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ABSTRACT

This guide offers suggestions for implementing role plays to teach conflict resolution skills and provides a variety of role plays useful in different settings. It describes how to effectively prepare for role plays, how to implement role play strategies, and how to debrief and provide feedback to role play participants. Potential problems are identified and the guide provides suggestions for overcoming potential difficulties while using role plays. The role plays focus on a variety of settings such as the community, business, day care, elementary school, middle and high school, college and university, juvenile detention center, hospital, nursing home, and family. Six court cases that focus on a conflict or problem that may be used in a role play are included. A list of publications available from the Mediation Center and an alphabetical index of role plays are also included. (TSV)

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ROCKIN' ROLE PLAYS

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A COLLECTION OF THE FINEST FOR MEDIATION TRAINERS

Written and compiled by Barbara A. Davis & Sarah A. Corda

THE MEDIATION CENTER
ASHVILLE, NC 1992

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ROCKIN' ROLE PLAYS

A Collection of the Finest for Mediation Trainers

written and compiled by
Barbara A. Davis and Sarah V. Corley

The Mediation Center
189 College Street
Asheville, NC 28801-3030

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Introduction

Through the years—since 1984 when The Mediation Center first opened its doors for business as a nonprofit community dispute resolution center in Asheville, North Carolina—we've taken on increasingly difficult and interesting challenges. In addition to mediating disputes, we have written curriculum for elementary through high school, implemented county-wide school violence prevention programs, and operated a successful court-annexed family mediation program.

We have had the opportunity to teach mediation skills to thousands of individuals in a variety of settings, including: hospitals, prisons, businesses, local government, colleges, court offices, group homes, nonprofits, police departments, nursing homes, juvenile detention centers, and other organizations and institutions, large and small.

Workshop participants always comment on the value of the role plays. One reason for this success is that we tailor role play scenarios to each group's specific setting, in order to give workshop participants the most realistic practice possible. Consequently, we've written and FIELD-TESTED hundreds of role play scenarios. In the process, we have learned an enormous amount about how to effectively design, set up, run, and debrief role plays.

For **Rockin' Role Plays**, we have selected our classics, polished them up, and added our thoughts about how to succeed in running role plays. We offer them for use in teaching conflict resolution skills in a wide variety of settings. Our hope is that you will find relevant role play scenarios in this book and adjust the fact situations to match your needs.

Role Play Training

How To Run Role Plays

Summary Sheet

I. Prepare

- A. **Self**—know what the facts are, including where and when the conflict occurred, who the parties are, and time available to complete the role play. Have handouts ready.
- B. **Brief the Parties**—explain the conflict and help them take on their roles; discuss their character's main concerns. Tell them to stay in role and not make the conflict impossible to resolve.
- C. **Brief the Mediators**—review the process, tell them who the parties are and give a brief summary of the nature of the problem. Tell them the goal of the role play.

II. Run the Role Play

- A. **Observe**—be attentive; take detailed notes so you can give specific feedback on both positive aspects and suggestions for improvement; be encouraging and supportive with your body language and facial expressions.
- B. **Coach**—Intervene only if necessary:
 - (1) *Whisper* a suggestion to a party or mediator.
 - (2) *Move In and Out* as a co-mediator, without stopping the role play, to help get it back on track.
 - (3) *Stop and Process BRIEFLY* to regroup, to find out what the parties need from the mediators, or to make a suggestion, then get them right back in role.

III. Debrief

- A. **Acknowledge Their Efforts** and ask all players to come out of role.
- B. **Get Feedback from Parties**—what worked, what might the mediators have done to help them more?
- C. **Ask Mediators**—what worked, what might they do differently next time?
- D. **Give Your Specific Feedback**—Three specific positives to one suggestion for improvement.

Preparing Yourself for Role Play

1. **Make sure you have what you will need**, including written descriptions of roles pre-cut into appropriate sections for parties and mediators, designated practice areas, paper, pens, and name tags (see *Use of Pseudonyms*).

The role plays in this book are designed so that the text of the parties' roles and mediator descriptions can be easily cut into strips with scissors or a paper cutter. The appropriate strips can then be given to each party and the mediator before the role play begins. Copying each scenario on a different color paper before cutting makes it easy and quick to find the one you want, and keep the pieces together.

2. **Be prepared to divide the large group into small groups** (see *Arranging Small Groups*), to give instructions on where each small group will meet, and when to return to the large group.
3. **Know the goal** of the role play (see *Briefing for Mediators*).
4. **Are all the students able to read fluently?** If some have difficulty reading, read the roles out loud for the parties and read the mediators' descriptions out loud for them.
5. **Ask yourself whether anything else needs to be done or said** to create the possibility of having the most effective role play practice.

Overcoming Resistance

Some participants are reluctant, at first, to role play. They may have had a bad experience with role play in the past, or they may be afraid of performing in front of a group.

In our experience, students often gain ease with role play—and look forward to it—once they see that it can be a safe, enjoyable, and productive.

1. **Acknowledge** that it can be difficult to feel put on the spot or to assume an unfamiliar role.
2. **Assure** them that you are there to help support them, not to put them on the spot or criticize, and that you realize this is their first practice as a mediator or role playing party.
3. **Explain** that role playing is the best way to practice skills and become proficient in mediation. It is better to make mistakes in role play and learn from the experience than to make the same mistakes for the first time in a real mediation. Offer to put forth your best effort to make their experience safe and successful.
4. **Ask** what you can do, short of eliminating the role play, to make their experience more comfortable.
5. **Follow through** with what you promise by being attentive without being imposing. Consciously hold the intent to support their work—your attitude can really help! Give feedback that is useful and thoughtful.

Before Role Play

Briefing for Mediators

1. **Tell the mediators the goal of the role play**, e.g. to complete the first stage of mediation, to complete an entire mediation session, to focus on listening skills or brainstorming, to write up an agreement, etc.
2. **Let them know your role as trainer** is to support their practice and to keep them on time and on track.
3. **Instruct them to stay in their role as mediators** throughout the whole role play unless you, the trainer, or your assistant ask them to step out of their role. This is very important! It helps mediators stick with challenging situations and look within themselves for resourcefulness, rather than slipping out of their role to ask for rescue. Let them know you will intervene if and when they get too far afield.
4. **Tell them the time frame** for the practice.
5. **Give brief information about the case**, including a general description of the conflict and tell them who the parties are and who brought the case to mediation.
6. **Briefly review the mediation process** by asking the students to identify what happens at each stage and what is important during each stage. OR, if you are the only trainer for a large group of students and you are teaching a co-mediation model, instruct mediators to meet with their co-mediator to review the stages and decide how they want to share responsibilities of mediating. *(At The Mediation Center, we use co-mediators for community and school mediation and, therefore, train volunteer community mediators and school mediators in this model. The role plays in this book can be used for any model of mediation.)*
7. If time permits, **troubleshoot potential problems** by asking questions such as: What if one of the parties is very hesitant to talk? What if they yell at each other? What if they start to cry... or walk out? What else could happen that would be difficult?
8. If time allows, **ask what skills they want to work on improving** or what aspect of mediation is most challenging for them. Make a note of it and give them specific feedback after the role play.
9. **Allow time for mediators** to meet with their partners if they are co-mediating, or time to gather their thoughts and set up the mediation area.

Before Role Play (Continued)

Briefing for Parties

1. **Assign the roles** and give the parties time to read their character's descriptions. Begin using the names of the characters in the role play.
2. **Tell the parties what the purpose of this role play is**, i.e. to give mediators realistic practice and experience success, to move through the whole mediation or just a part of it.
3. **Instruct parties to always stay in their roles** unless you, the trainer, ask them to step out of role. Acknowledge that it might feel awkward to play a character that is not who they are. Ask them to take the role play seriously, because it is the best way to practice the skills of mediation.
4. **Describe the setting in which the conflict occurred** and, very briefly, the perspectives and feelings of each party. Help them picture how their character might feel and act. Help them identify their character's main concerns.
5. **Ask whether the description seems realistic.** If not, help develop details that make the character and/or conflict more realistic. Ask whether they feel ready to play their character. If not, help them develop the character's role.
6. **Instruct them not to play "stump the mediators."** In other words, don't make the problem impossible to resolve. On the other hand, don't make it so easy to resolve that it lacks any challenge. Remind them to not get stuck in their positions. Once they feel heard and understood, it is okay to soften their initial demands.
7. **Tell them how much time they will have** for the role play.
8. **Give some hints at how resolution might be achieved.**
9. **Allow time for the parties** to pair up with any partners on their side of the table to discuss how they want to approach the role play.

Running Role Plays

Observing

The key to effectively coaching role plays is to be very attentive without being intrusive or intimidating. The trick is to attain near invisibility unless and until assistance is needed.

Placement

The coach should be on the periphery, not within the circle of practice. Determine your physical placement based on (1) players' need to feel supported but not scrutinized and (2) your own need to hear what is being said and see facial expressions. If you are coaching more than one role play group, try to place yourself so that you can observe the multiple groups from one vantage point.

Coaching

A. Coaching Attitude

Be attentive. Take detailed notes so you can give specific feedback during debriefing. Make note of what happened that was good and what needed improvement. Do not neglect to notice (and, after the role play, comment on) what worked well in the role play—so that mediators and parties can build on their strengths and be encouraged about using their new skills.

Be encouraging and supportive with your body language and facial expressions. You can help relieve players' anxieties about role play practice by consciously calming yourself to release any tension you may be holding or displaying. Your attitude as a coach is infectious!

B. Timing

Let the players struggle long enough to try alternate approaches, correct themselves, or stumble onto a workable path. Interrupt their role play practice only if you have a point to make at a teachable moment that cannot wait until later, or if they are headed too far afield to have a productive practice.

Timing is critical! Do not intervene too often, and try to assist in a way that will be instructive. This is, after all, their opportunity to try new tools in a supportive setting, and make mistakes from which they can learn.

Running Role Plays (Continued)

C. Interventions

At times, it is useful to intervene. Several options exist. They are listed below from least intrusive and time-consuming to more intrusive and time-consuming.

- (1) **WHISPER** a suggestion to a party or mediator, without stopping the action.

For example, ask a party to let go of a demand or stop being so difficult if they are playing their role too harshly; ask a mediator to reflect back a party's concerns, involve their co-mediator more, or write down brainstorm ideas.

- (2) **MOVE IN and OUT**, without stopping the role play, come into the practice as if you were another co-mediator, to help get the session back on track.

Kneel down by or scoot a chair next to a mediator and say something like: "Please stay in your roles. As a co-mediator, I'd like to ask Party #1 to say more about..." or "As a mediator, it sounds as though the main concerns are...Is that accurate?" Once the session is back on track, give the players some encouragement and slip out of the role play so they can continue their practice.

- (3) **STOP and PROCESS BRIEFLY** to regroup. Time for role play practice is usually limited, so brevity is essential, yet occasionally a group gets too far afield to correct itself. Call a time-out within a small group to (a) make a suggestion, (b) check in with mediators, or (c) ask parties what they need from mediators at that moment. Players have a tendency to launch into discussion about the whole role play. Once you have made your point, keep the conversation short, re-focus them back into their role play practice, and save debriefing discussion for later.

For example, (a) suggest that mediators spend more time acknowledging parties' feelings, elicit brainstorm ideas from both parties before evaluating the ideas, or try having private caucuses; (b) ask mediators why they are following a line of questioning or what they are hoping to accomplish with a certain strategy; or (c) ask parties whether they feel heard or what they need from the mediator. Make your brief comments and redirect players back into their roles.

Debriefing After Role Play

Summary Sheet

Acknowledge all the players for their efforts.

Ask the parties to come out of role.

Ask Each Party

1. *What worked well?* OR What did the mediators do that was most helpful OR that was good?
2. *What suggestions for improvement do you have?* OR Is there anything you wanted more of from the mediators?

Ask The Mediators

1. *What worked well?* OR What do you feel good about from this practice? OR What aspects were you most comfortable with?
2. *What might you try to do differently next time?* OR What was hardest about mediating?
3. *How was this experience for you?* OR How did it feel to be in the mediator role? OR What did you learn from this practice?

Give Your Feedback ~~ Briefly ~~

1. **To Parties**—if they played their roles realistically, were responsive to the mediators, or were too tough.
2. **To Mediators**—specific things they did that *worked well*, and then *suggestions* for things they might try doing differently.

(For example, you may comment on the teamwork of co-mediators, neutrality, calm mannerism, handling interruptions, active listening, asking open-ended questions, framing issues, allowing parties to develop their own ideas, managing difficult interactions, understanding the process, obtaining closure, etc.)

Remember this Ratio:

Give 3 positive comments for every comment on how to improve.

After Role Play

Debriefing after role play practice can occur either in small role play groups if there are sufficient coaches, or in the large group. In addition to asking for input from parties and then mediators as noted on the Debriefing Summary Sheet, taking the parties out of role and giving the mediators thoughtful feedback is essential.

Getting Out of Role

Help the parties come out of role, so that they do not carry on the conflict or transfer ill will to their real life relationships with other role players.

1. Ask the parties to *take off their imaginary masks* (do this with them or demonstrate it), crumple them up, and throw them away;
2. Ask parties to *vigorously shake out their hands* as a way of shedding the persona they had taken on; or
3. Instruct parties to *take off their pseudo nametags* (see *Use of Pseudonyms*) if they were used, crumple them up and throw them away.

Giving Feedback To Mediators

Pluses First, Then Changes:

Mediation practice is very hard work, especially with someone watching over your shoulder. To get the most out of the role play practice, it is important for mediators to get useful feedback on their *strengths* (what worked well) so they can build confidence and continue the good habits, as well as *suggestions for improvement*.

By first asking parties and *next asking mediators* to focus on (1) what worked well and (2) what could be improved, much of what you as a coach planned to comment on may already be covered sufficiently.

Be Specific:

For feedback to be useful, it must be specific. For example, you can refer to specific things the mediators said that were significant, comment on specific times during their role play practice in which a transition occurred and why, or suggest a specific strategy for the next practice.

If you are aware that a mediator is trying to be more effective in one area (such as listening, brainstorming, framing issues, staying neutral, etc.) make sure to comment on their work in that area.

Avoid Over-Criticizing:

It is difficult to hear or assimilate an overabundance of critical information. After two or three critical comments, most people shut down and stop listening, so select your comments carefully. Remember that mediators have done the best job they could do, and that the purpose of feedback is to enable them to improve. Acknowledge their efforts, give a limited number of suggestions appropriate for their level of experience and skill, and encourage them to continue practicing and reflecting on ways of improving their skills.

Impasse and Closure

Impasse

Normalize:

While it can be instructive to experience impasse, if you can intervene as a coach to offer suggestions that help players avoid impasse, do so. If, despite your suggestions, an impasse is reached, help the mediators to feel okay about their practice by saying that impasse occasionally occurs in real life because parties are not ready to reach resolution, despite the mediator's best efforts. Hopefully, parties have benefited from talking even though a formal agreement was not reached.

Give Suggestions:

Be sure to comment on what mediators did that was good, and then offer or elicit impasse-breaking ideas (private caucus, take a break, meet alone with co-mediator, reframe the issues, schedule a second meeting, try a partial or trial agreement, etc.).

Telling a story can be useful. For example, Barbara was once approached by a former mediation client while in a grocery store. The client initiated a conversation with Barbara and said that, although he and the other party had not reached agreement in mediation, the sessions had been extremely helpful. The client said they had been able to talk together much more productively because of the mediation, that they had worked out a solution on their own, and that they both sincerely appreciated her efforts.

Role Play "Interruptus"

Sometimes we intentionally interrupt a role play if we are isolating a specific stage of mediation for study, and then continue the same fact scenario later in the day, focusing on another stage of mediation.

On other occasions, a time crunch or a slow group may necessitate ending a role play before it reaches fruition.

To avoid the frustration that can occur when a role play is interrupted prematurely, discuss how the conflict would likely have been resolved if the mediation had continued, and then debrief as usual.

Closure

Gaining closure after role play practice is extremely important. If time is very short or if there is not enough time to fully process the role play, keep the comments very brief (that's why it's called "debrief"): take the parties out of role, acknowledge the mediators efforts, note the progress made and challenges presented, give a couple of suggestions, and thank everyone for their work.

Writing Mediation Role Plays

1. **Keep it brief**, one page maximum, if possible.
2. **Make it realistic.** Research the environment of the training group so that, as a role play author, you are familiar with their setting, culture, and types of conflicts. Give enough information to help parties take on their roles but don't bog them down in verbiage.
3. **Remember the purpose** of role play—to give participants effective practice as mediators, not to develop the worst or hardest case imaginable.
4. **Limit the issues** to one or two per party for inexperienced mediators.
5. **Include essential ingredients** for parties and mediators (see *Role Play Recipe*).
6. **Use non-gender-specific names** so that parties do not have an added confusion of switching sex roles to play their parts (see *Using Pseudonyms*).
7. **Be clear and consistent**—give both parties some similar factual information as a basis. In addition, you may also give each party unique perspectives on the same event. Use clear language.
8. **Give each character a reason to want to settle** the conflict in mediation (avoid a fight, repair the friendship, mend a work relationship, avoid the expense or stress of court, etc.), even if there is also some reluctance to talk.
9. **Hint at possible areas of common ground**, or places each character may move from their initially stated position. While challenge is good, don't make the conflict impossible to resolve; that defeats the purpose of the role play.
10. **Increase the complexity and difficulty** in subsequent role plays as students gain confidence and experience.
11. **Make the text easily photocopyable** and able to be cut into pieces for mediators and each party (See *Preparing for Role Play*).
12. **Read the role play as if it were brand new to you** once you've finished writing. Is it clear? Are there any missing pieces? Would you be prepared to take on each of the roles? Is each role complete?

Role Play Recipe: Essential Ingredients

Scenario and Background

1. Where did the conflict occur—at work, at one party's home, outside, in a classroom?
2. What brief background information do both parties know concerning what happened and what the conflict is about?

Parties

1. Who are they and what is their relationship to each other— friends, co-workers, supervisor or employee, consumer or merchant, strangers, neighbors, landlord or tenant? How long have they known each other?
2. Give each party a unique perspective—what happened, what emotions does each party feel, what is the conflict really about, what does each party want, why do they want to mediate?
3. Hint at how agreement might be reached—is there something in common that both parties are interested in, is there bridge-building information or a place where change might happen?

Mediator

1. Who is (are) the mediator(s)—co-workers, supervisor, friend, teacher, community mediation program volunteer?
2. Give the mediators limited general information regarding the nature of the dispute, the scenario, and who the parties are.
3. How did the matter get to mediation—referral from the court, school, human resources professional or self-referral?

Developing Scenarios On The Spot

It is possible, though somewhat time consuming and potentially risky, to write mediation role plays on the spot, with input from the group in training. Participants often appreciate the opportunity to make up scenarios that are relevant to them, straight from their settings.

This technique is recommended for trainers who are already comfortable with using pre-written role play scenarios. To ensure productive role play practice, the trainer should maintain some control over the role play design.

1. **Brainstorm realistic types of conflicts** which frequently come up for the group, or use one which you already know about through group discussion.
2. **Select one conflict that seems workable** within your time frame ("How about this one about two co-workers sharing office space?"). The goal is to construct a scenario that has relevance for most people in the group, one that is appropriate for the group's general level of expertise, not to choose the absolute toughest case scenario possible.
3. **Get input from the group** to develop (1) each party's character and (2) the specific conflict that occurred. Keep it hypothetical, if possible, so that no one's private life is displayed in front of the group without their permission. As trainer, you have license to shape the facts or change them to create a fact scenario most conducive to effective practice.
4. **Limit the number of issues**, especially for introductory level instruction.
5. **Add some balance** to the problem, so that each party has an interest in mediating and there is some room for movement or change in positions.
6. **Repeat back** the setting and description of each party's role, and clarify who the mediators are.

Using Pseudonyms

1. **Pseudonyms can help ease the transitions** of role play, including stepping outside of oneself for the time spent in role play, taking on a new persona, adopting realistic emotions for the character being portrayed, and shedding the character after role play (see Debriefing).
2. **Pseudonyms assist students in coming out of role at the end** of role play, enabling them to separate from their role play characters, with less likelihood of transferring ill will or carrying on the conflict after the role play practice ends.
3. **Using androgynous or non-gender-specific names** and descriptions for characters allows for more flexibility in assigning roles. This is the recommended practice, unless the conflict would occur only between gender specific parties or if the group of participants is gender separated (boys' or girls' private school, female or male prisoners, all female or all male employees, etc.). Occasionally, an intentional switching of gender roles is useful in family or divorce mediation role play, to help students put themselves in the shoes of the opposite gender. This generally does not work with children.
4. **Use name tags with pseudonyms** to help both mediators and parties quickly identify with the new character roles. If you already have reusable plastic sleeves with printed nametags for workshop participants, cut out paper with the pseudonyms to slip into the sleeves during role play practice.

Suggested non-gender-specific names:

Adrian	Alex	Andi	August	Austin
Barri	Billie	Blair	Bobbi	Bobbie
Cam	Carey	Carson	Casey	Chris
Cleo	Cody	Dakota	Dana	Danni
Darryl	Dayle	Drew	Emory	Erin
Frankie	Francis	Glenne	Gray	Jackie
Jamie	Jan	Jazz	Jeri	Jesse
Jimmie	Jo	Jody	Joey	Johnnie
Kelly	Kendall	Kerry	Kim	Korey
Layne	Larue	Lee	Les	Lindsay
Loren	Lyn	Marion	Marti	Max
Micki	Mo	Montana	Morgan	Nicky
Quinn	Pat	Perry	Randy	Raye
Raebon	Red	River	Robbie	Ronnie
Rusty	Sal	Sammie	Sandy	Shawn
Sinclair	Skye	Stacey	Star	Sydney
Terri	Toby	Tony	Tracey	Troy
Ty	Vern	Willow	Wren	Z

Arranging Small Role Play Groups

1. **Count off** into appropriate sized groups. For example, count off into groups of four if you are teaching co-mediation, so that you will have two co-mediators and two parties per group. If there are 20 students, counting off to five will make five groups of four. Give them time to find their five groups and to decide who will mediate first. Then meet with mediators and with parties separately to brief them for the practice.
2. **Count off variation.** Counting off by objects, colors, or fruit can be fun . . . apples, bananas, kumquats, mangoes.
3. **Randomly coded nametags.** Pre-arrange groupings randomly, then, at registration, give students nametags coded with stickers, numbers or colored dots. At role play time, instruct those with starfish stickers to be in one group, those with seahorse stickers in another, etc. Note—this can be a bit confusing if there are many absences or late arrivals. Bring extra stickers!
4. **Pre-arranged balance.** If you already know the students, pre-arrange groupings to balance students who have strong skills with less confident students, enthusiastic students with doubtful students. Post your list of groups on newsprint.
5. **Self-selection.** Allow students to choose four member groups by signing up on newsprint or standing together.
6. **Proximity.** Assign groups based on who the students are already sitting near.
7. **Half the room.** Divide the large group in half (for co-mediation) or thirds (for solo mediation). The first half or third will be mediators and others will be parties. After briefing parties and mediators, help join parties with mediators in small groups.
8. **Volunteers.** Ask for X number of people to volunteer to mediate the first time through the role play. Inquire: Who would like more practice as a mediator? Who is not yet confident about their mediation skills? Who is willing to help by being a mediator this time?

If you are planning to do more than one role play, students can remain in the same groupings for the second role play and simply switch roles. That is, those who played mediators during the first role play will be parties for the second practice. Use a new fact scenario for the second role play. Reconfigure groups after two role play practices so that the students will have the opportunity to work with a different set of people.

Observers

If you have an odd number of students that does not divide neatly into small groups, you can assign a couple of students as observers, a role that is usually very instructive.

Ask the observers to **sit on the periphery** of a group, not right in the circle of the group, and **notice** how the mediator(s) are working and how the parties are responding.

After parties and mediators have had a chance to debrief, invite the observer's comments.

Try to keep the observers focused: first, on what worked well and, second, on suggestions for improvement. Sometimes observers will launch into saying what the mediators did that they felt was wrong. Try to steer them back to giving some positive feedback first.

Ask how the experience was for the observer and what they got from being able to watch the role play.

Tips for Working With Young Children

1. **Avoid Using Written Roles.** It is easiest for elementary school age children if they do not have a written description of their roles, but instead get verbal briefing by the trainer, with time for questions and coaching about how to best take on their new roles.
2. **Simplify.** Use scenarios with only one or two issues, and ask the children not to add in new issues or conflicts.
3. **Keep Group-Hopping to a Minimum.** If children object to working with others assigned to their small groups, you may respond with: "In life you do not always get to choose who you will be in conflict with or who you will be mediating for, so this is realistic practice. Try to do your best job in these groups, and know that we will be switching groups later on for other role plays."
4. **Check-In at Half Time.** Another modification for younger mediators, or adults if you are the only trainer in a large group of students, is to instruct the students to let you know by raising a hand once they have clarified the main concerns of each party (or determine some other transition point in the role play practice). Groups will arrive at this point at different times.

Half time check-in enables you to *quickly* make sure that each group is on track, that mediators can say what the issues are, and that parties feel understood. If that is the case, send them on their way to brainstorming ideas for solutions. If the group is not ready to proceed, make a concrete suggestion for the mediators and have them raise a hand when they are indeed at the transition point.

5. **Enlist a Partner.** If at all possible, get assistance from another teacher, aide, older students, parents, or community volunteer mediators for role play practice with children. Talk with your assistant(s) in advance so that they know how to best help you.

Role Play Demonstrations

1. **Prepare.** In advance, role play demonstrators should familiarize themselves with the scenario, know the time frame for the demo, know the issues and who will play which part, and have an idea about how it will be resolved.
2. **Make It Lively.** Spice up the demo with humor or dramatic episode, if possible. Choose a scenario that stretches viewers' expectations or challenges their assumptions. Use gestures and interesting facial expressions. Viewers are used to the high drama of television and movies. Adding innuendo and showing strong emotion (without physically fighting) helps keep their interest. If they are bored, viewers will gain little benefit from the demonstration.
3. **Make It Realistic**
Use words, gestures and issues relevant to the viewers. Choose a scenario that might really occur and come to an agreement that is consistent with the policies of any organization involved in the scenario.
4. **Stage It Well**
Speak loudly enough for everyone to hear—this often is overlooked! Don't have your back to the viewers or they won't be able to understand you. Stand up if you need to so that all viewers can see, or sit down and invite viewers to move their chairs so they can see better.
5. **Keep It Short**
After about 20 minutes, people are tired of sitting and watching. It is easy for novice role players to get so involved in their roles that the demo bogs down, in viewers' eyes. Although it may seem premature, try to conclude a demo within 20 to 30 minutes, or plan to just show part of a session and then stop to process what the group observed.
6. **Using Volunteers From the Group**
If you want to use workshop participants for a demo, try to pick someone with an understanding of the skills being demonstrated and who can be animated. Instruct them in speaking loudly, staying in role without getting side-tracked, and sticking to the time frame. It works best if you prepare them in advance (during break or before the workshop begins). Give them time to read their role and ask questions about how to play it.
7. **Gain Closure**
If possible, demonstrate a conflict that is resolvable. Sure, impasse happens occasionally, but for demonstration purposes, try to clearly show the process and skills you are teaching and conclude the demo successfully.

Community

Fence Post

Mediator

Mr. and Ms. Jones requested mediation with a neighbor, M. Silvers, in connection with damage to property (a fence that was damaged by Silvers' car).

X

M. Jones

You are a retiree who has lived in the area for more than 30 years. You keep a neat yard and pride yourself on your landscaping and gardening abilities. You don't know your neighbor, Silvers, that well. In fact, since Silvers moved into the neighborhood a month ago, Silvers has made no effort to get to know you. Silvers leaves early in the morning and comes home after dark.

One morning last week you saw Silvers back out of the driveway, ram into your fence, and knock down your corner post. When Silvers started to drive away you called to Silvers, ran to the car, opened the door and started yelling at Silvers. You were angry because Silvers was trying to get away without taking responsibility for what had happened. Silvers drove off. You haven't spoken to Silvers since the incident occurred, and the whole episode has you very upset.

No one is going to ruin your property and drive away without fixing it. When you called the magistrate to get a warrant for destruction of your property, he suggested you try to handle the matter in mediation.

X

M. Silvers

You recently moved to this area from out West. You are an electrical engineer at a local high-tech manufacturing company. You really like this new city, and your neighborhood, but with your new job you haven't had much time at home.

This morning you were in a hurry to get to work to finish a project that had a tight deadline. By accident, you backed into your neighbor, M. Jones' fence post with your car. You didn't hit it hard and didn't think it would be a problem until Jones stormed out of the house, yanked open your car door, and started yelling at you. You got quite upset and responded by yelling back and simply driving away.

You had no intention of ignoring the problem. Actually, you didn't think Jones would even be up that early in the day, and you planned to call Jones about it later that day from the plant.

Since you moved to town a month ago, none of your neighbors has made an effort to welcome you. You'd like to start off on a better note with this neighbor, so you agreed to try mediation. You expect an apology for Jones' behavior in pulling open the car door and yelling at you.

The Sound of Music

Mediator

M. Groce lives next to Toby and Emory, two college students. Groce complained about a noise problem.

✂

M. Groce

You are very upset about a problem with noise. You go to bed around 8:30 at night, and the neighbors' constant loud music interferes with your sleep. The neighbors, Toby and Emory, are college students who rent the house next to yours. They occasionally have rowdy parties, and one morning after one of their parties, when you walked outside, you found about ten beer cans in your yard. You never said anything to Toby or Emory about this, but it has bothered you for a long time.

Lately you have been ill, and the doctor said you needed as much rest as possible. You felt you could not endure the music and party noise any longer, so you called the police one evening last week during a party. They quieted right down.

Toby and Emory were nice to you in the past, and you don't understand why they have been so thoughtless recently. You are willing to talk with them in mediation.

✂

Toby and Emory

You are college seniors. You like to play music and party, but are responsible students who get your school work done. You have lived in a rental house next door to M. Groce for two years and never had any trouble. In fact, you helped Groce shovel snow on the sidewalk last winter because you knew that Groce was unable to shovel it him/herself.

Groce never said anything about your music being too loud, so you didn't know it was a problem. Last week, while you had guests over, the police came and told you to hold the noise down because your neighbor, Groce, had called to complain. This was totally unnerving and embarrassing. You wish Groce had come to you to discuss the problem, and you are peeved that Groce called the police instead. You want to work things out in mediation, because you don't want any more late night police visits.

Blow Out

You notice two people in the street, M. Martins and Dakota, arguing loudly in front of a car with a flat tire. You know them both and decide to check it out.

✕

Dakota

You are a teenager who lives two houses away from M. Martins. Yesterday, on your way home from school, your car tire blew out, and you weren't able to deal with it until now because you had to work last night, go to school today, and buy a spare tire after school. On your way up the street to fix the tire, M. Martins ran out of her/his house and started yelling about calling the police, irresponsible teenagers, junk cars, drug dealers, etc.

You've known M. Martins all your life. S/he has always been a spiteful complainer, without good words for anyone. You knew that your car was parked by Martins' house, but it was well off the road and not blocking any driveways. You came to deal with the car as soon as you could, and just wanted to change the tire and be on your way. Before you could even apologize, Martins was in your face and rude, so you yelled back. You regret that you called Martins a "cranky old fart," and you want to stay out of trouble. Now the police are on the way, and you're worried about what's going to happen.

✕

M. Martins

You have lived in your neighborhood for 50 years and are very proud of your home and yard. Other neighbors are not as concerned, and there are constant problems with kids cutting through your yard, dogs getting into trash, and lately, with cars being abandoned along the street for days on end.

Yesterday you were quite upset when you went out for your daily walk and saw a teenager leaving a car with a flat tire stranded in front of your house. Even though the car was parked off the street and not blocking anything, it was an eyesore. You decided to wait 24 hours before calling the police to tow it away.

As you left for your walk today, you saw Dakota, a teenage neighbor from two houses down, walking up the street with a tire, and knew s/he was the culprit. Although you never had a bad experience with Dakota before, you lost your cool and started yelling.

Dakota yelled back at you, calling you a "cranky old fart." While you regret losing your temper and think you probably were acting like a cranky adult, you had your reasons, and you really want this car problem resolved.

Crystal Vase

Mediator

Jill Smith requested a warrant for damage to personal property against her sister-in-law, Sally Smith, who broke Jill's crystal vase (\$150 value) during an argument. The criminal magistrate referred the matter to mediation.

✕

Jill Smith

You and Sally Smith have been good friends since high school. In fact, Sally introduced you to your husband, Sam, who is Sally's baby brother. You and Sam recently split up because you could no longer tolerate his drinking. You think Sally is unrealistic about Sam's drinking. She has always stood up for him and been over-protective of him, making it difficult for you to confide in her about the problems in your marriage.

Sally came to your house recently, and the two of you got into a big argument about the separation from Sam. She threw an Austrian crystal vase (\$150 value) on the floor, shattering it. You loved the vase, which was a gift from Sally on your 25th birthday.

You tried to take out a warrant against her for damage to personal property because you were so angry. After some reflection, you realize that although you would like to have the vase back, you can't, and the relationship with Sally is more important to you than a vase. Sally called you once right after the incident, but you were too upset to talk.

You love Sally and want to maintain your friendship with her even though your marriage to Sam is over. The criminal magistrate referred you to mediation, which could be an opportunity to straighten things out with Sally.

✕

Sally Smith

You and Jill Smith have been tight since high school. You were thrilled when she and your baby brother, Sam, got married. Jill made a big difference in Sam's life—he quit drinking and settled down. You are concerned about his drinking and know that it's a problem for him.

You were hurt to learn from Sam that Jill was leaving him. Why hadn't she confided in you? You're her best friend, and even though Sam is your brother, you would have understood. When you found out that Jill was moving out, you went to her house to talk to her. You both got upset, things escalated, and you threw the Austrian crystal vase you'd given Jill down on the floor.

You are sorry about breaking the vase, but you were upset. You tried to apologize to Jill later, but she wouldn't talk to you. She tried to take out a warrant against you for breaking the vase (which you bought for \$40 at a close-out sale). That angered you, and now you aren't sure whether you and Jill are still friends.

Egg on My Face (or Car)

Mediator

The parties are a teenager, Jamie, and an adult neighbor, Lyn. Lyn complained about Jamie egging Lyn's car. The car now needs a new paint job, or at least a touch up, due to the damage. Lyn does not want to press charges, as Lyn has a teenage child of her/his own, but wants the car repaired.

✕

Lyn

You have lived in the neighborhood for ten years and have always been a good neighbor to others. Last night you noticed Jamie, a teenage neighbor, hanging around your car—a brand new Toyota—and saw Jamie throw something toward the car.

In the morning you discovered that the car had been "egged" and learned that Jamie was bragging at school that s/he had egged the car to get even with your daughter, Sue, who used to be good friends with Jamie.

You are hurt that Jamie would do something like that, especially since you have lived as good neighbors for many years and thought of Jamie as a friend. Sue had not done anything malicious to Jamie, as far as you know.

You think Jamie should be responsible for the car, but you don't want to bring criminal charges. You want Jamie to understand the severity of this and to pay to have the car repainted (at least the door). You are willing to work out a way to do that. A full repainting is \$400. You requested mediation.

✕

Jamie

You got mad at Sue because she started dating your best buddy, Isaac. You said you'd get even, and did so by throwing an egg at Sue's parent, Lyn's, car. You didn't realize an egg would do permanent damage to the paint job.

You are basically a good kid, but this problem with Sue has really upset you, because you lost your best buddy and Sue. You think Sue really did you **WRONG!** You are heart broken about the situation and acted out of frustration.

You don't have much money, but do odd jobs (mowing lawns, baby sitting, simple house painting) to pick up spending money, in addition to your weekly allowance and \$27 cash on hand. You didn't mean to do the damage, and you realize the responsibility you have to make repairs. You agreed to mediate with Lyn.

Victim/Offender Mediation. . . "Why Me?"

Mediator

Jenning's home was broken into by Kal, a neighborhood teenager. Kal pled guilty to "Breaking and Entering" and "Theft," and was referred to victim/offender mediation to discuss restitution.

✕

Jennings

You live in a comfortable, blue-collar neighborhood. You live by the golden rule and believed in the good side of human nature. It was a huge shock to come home from your daughter's basketball game one Saturday night to find your home broken into and robbed.

A new CD player your son saved up to buy was stolen, along with a Nintendo set, a portable TV, and silverware and antique jewelry your mother had given you before she died. Whoever broke in left a muddy mess in the kitchen, where entry was gained by breaking a glass pane in the door. You were devastated! Coming home to the crime ruined the impromptu celebration you'd planned for your daughter on her big scoring night.

The CD player, TV and Nintendo cost about \$2500—expensive but replaceable. The heirlooms, valued at \$1500, had enormous sentimental value to you and are irreplaceable. Your trust in people and sense of security at home have been severely shaken. You did not deserve this! You feel angry, betrayed and sad, but you are willing to mediate with the person who pled guilty to the crimes, Kal, because you really want to know "Why me?"

✕

Kal

You're a teenager who robbed Jennings' house on a whim. You were familiar with the neighborhood, and you knew the family was gone because you saw them leave. It was easy to get in by breaking a glass in the kitchen door. You took a CD player, portable TV, Nintendo set, some old jewelry and silverware, and left quickly.

You never thought you'd get caught, because you'd done this type of thing before with no problem. You don't have a drug habit or any real reason to steal, except that it's exciting, and cool to talk about. You like the money you get from selling stuff on the street and the respect from your peers. Since you got caught though, no one seems interested—the older guys laugh it off as part of life, and the younger ones don't want to hear about it.

You pled guilty to "Breaking and Entering" and "Theft," and were ordered to mediation as a requirement of probation. You are pretty shaken up. You knew these weren't rich people, but you didn't think it would affect them so much. The whole family was in court, and the daughter started crying when the DA was talking about a ruined basketball celebration. For some reason, you can't stop thinking about that. Maybe mediation will help you clear your thoughts, even though the prospect of facing Jennings makes you really nervous—much more anxious than you expected.

Chain Saw

Mediator

Adams and Barnes are neighbors/friends who own a chainsaw together. Adams accidentally broke the chainsaw. They had a heated argument about repairing the saw and haven't spoken to each other since.

✕

Adams

You and Barnes have been friends and neighbors for five years. The two of you bought a \$350 chainsaw together three months ago, since you both use wood to heat your homes. Last week you accidentally broke the saw by adding diesel fuel instead of a gas/oil mix.

You admit to breaking the chainsaw, but it's not entirely your fault. While you are not mechanically inclined, you had used a chainsaw once before. Barnes promised to show you how to do regular saw maintenance, but was never around to do so, despite numerous requests by you. You got tired of waiting, needed to cut some branches that fell during the last storm, and wanted to begin stocking up on wood for the winter. You didn't realize that adding diesel would be a problem, and you're sorry you ruined the saw.

When you told Barnes about the problem, s/he blew up and yelled at you for being stupid. You have not spoken with Barnes since then.

You know of a small engine repair shop that can fix it, and they have given you an estimate of \$130 for the repairs. You are willing to pay half, maybe even the whole amount, *if* Barnes apologizes for treating you like an idiot.

✕

Barnes

You and Adams have been friends and neighbors for five years. The two of you bought a \$350 chainsaw together three months ago, since you both use wood to heat your homes. Last week Adams broke the saw by adding diesel fuel instead of a gas/oil mix. Adams is not mechanically inclined, but adding diesel fuel was really stupid.

You had planned to show Adams how to do routine maintenance—how to sharpen and lube the blade, clean the saw and refuel it. You had not gotten around to helping Adams because you had been really busy at work.

When Adams told you about the problem, you got angry, lost your temper and called Adams a "stupid idiot." You had not even used the saw once, and now it was ruined! You wanted to use the saw soon to start stocking up on wood for winter.

You feel slightly responsible, since you put off explaining about saw maintenance, but you can't afford to buy a new saw. Maybe it can be repaired; you're doubtful. You haven't talked with Adams since the argument.

Dog Bite

Mediator

This is a dispute between two neighbors, Vern and Jimmie, over medical bills resulting from a dog bite. Vern's dog bit Jimmie's son, Ted, and at issue is \$350 in medical bills.

✕

Vern (Pet Owner)

Ted, the 10-year-old son of your neighbor, Jimmie, came into your yard to bother your dog. While Ted was in your yard, taunting the dog, a small beagle weighing about 20 pounds, the dog ran toward the boy, growling. Ted ran away from the dog and out of the yard. Ted left the gate open and the dog did not stop, but followed Ted out onto the sidewalk in front of the house and bit him on the leg.

You had spoken to Jimmie in the past about his/her son bothering your dog. You feel badly about the child being bitten. However, you are upset that Ted came into your yard in the first place. You don't think you're responsible for the bite, especially since Ted is the one who left the gate open after taunting the dog.

You want to try to mend the situation with Jimmie, but you are definitely not willing to get rid of your dog. You might be willing to help pay for the doctor visit, but think that Jimmie probably has insurance to cover it.

✕

Jimmie (Parent)

Your son, Ted, was bitten by your neighbor, Vern's, dog. You are upset about the bite and want to make sure it never happens again. Ted, age 10, went into Vern's yard to retrieve a ball. Vern said that Ted was bothering the dog, but Ted said he didn't even know the dog was in the yard until he was leaving the yard with his ball. At that time, he heard the dog growling and saw it running at him. He left in a hurry and didn't have time to close the gate.

It is true that Vern had spoken to you about Ted bothering the dog in the past, but you talked to Ted about that and think he has been behaving himself.

While you have insurance to cover 80% of the \$350 in medical bills (for stitches, tetanus shot, and return visits), you had not met the \$200 deductible amount before the bite. You will have to pay \$200 plus 20% of the remaining \$150, which brings your total out-of-pocket expense to \$230.

You want to patch this up with your neighbor, and want to make certain that no one else gets bitten by the dog. What if a ball goes into the yard again?

Candy Store

Mediator

Gilardi is a store owner in the downtown shopping district who got into an argument with Kerry, a local teenager, regarding a broken plate glass window and a skateboard.

✕

Gilardi

You have a small a gourmet candy store downtown. You are under stress because sales are down. You think the loss in business is because teenagers with weird hairdos and skateboards hang around in front of your store. Regular customers don't come in with the crowd out front.

Last week Kerry, a local teenager, broke the front plate glass window in a skateboard wreck, which you did not see. When the window broke, you lost your temper and yelled at Kerry, who had nothing to say about why s/he was so careless. You had the window replaced and want Kerry to pay for the repairs (\$300).

You would really like the kids to move elsewhere with their skateboards. You realize there are no facilities for skaters, but they don't have to stay in front of your shop. Elderly shoppers seem especially fearful of walking on the sidewalks when the skaters are using them.

You are still really angry about the window, but you are willing to work out an arrangement for repayment with Kerry if you can get Kerry to stop skateboarding in front of your store. You are loud when you're upset.

✕

Kerry

You're a good kid, a high school junior. You were walking downtown, in front of Gilardi's candy store recently and had to jump out of the way of a young kid on a bicycle. As you jumped aside, the skateboard you were holding slipped out of your hand, breaking Gilardi's front window.

You were sorry for what happened, but Gilardi was so mad that you were afraid to say anything at the time. You want to make it clear that you were *not* skating at the time of the accident, so it was not a skateboarding mistake. It was a defensive move to get out of the way of an oncoming bike.

You have a weekend job and intend to help pay for a new window, or you could exchange work at Gilardi's candy store, if that is agreeable to Gilardi.

You did not realize that Gilardi was upset about kids hanging out in front of the store. No one had said anything to you about it. If that is an issue, you will do what you can to keep other kids from skating there, but you can't make decisions for them.

Sidewalk

Mediator

Two outspoken community members got into a heated argument during a community meeting regarding the youth loitering problem. You ushered them outside and offered to listen.

✕

Toni

You are a wealthy, white merchant in the community, upset about kids who hang out in front of your store all the time. Although they are not doing anything illegal, they are loud and disruptive, they block the entrance, look weird and leave their bikes on the sidewalk, all of which are hazards to your customers, especially the elderly ones. You have called the police repeatedly, but to no avail—they seem to enjoy joking around with the kids!

You are sick and tired of Ty, a minority leader, and her/his liberal ideas. Ty is always talking about how the kids just need understanding, meaningful activities, adults who care, etc. That's great as long as they do it somewhere other than in front of your store.

During a community meeting held to discuss the youth loitering problem, you and Ty got into a shouting/insulting match. You called Ty a bleeding heart liberal and Ty called you a racist fascist. You are certainly not a racist; you just want these kids out of your space! Someone ushered you outside and, finally, offered to listen. You regret what you said about Ty.

✕

Ty

You are part of a city-wide minority task force and an advocate for minority youth. You have worked very hard to bring about change for youth, and, slowly, some positive things are happening.

Even the police are starting to interact more positively with teenagers; however, it seems like they always agree whenever Toni, a white merchant, talks badly about kids. Everyone seems to agree when Toni spouts off about problems caused by kids. You're really frustrated because you think others side with Toni only because s/he's a wealthy, politically powerful person, and not because they truly agree.

During a community meeting held to discuss the youth loitering problem, you and Toni got into a shouting/insulting match. Toni called you were a bleeding heart liberal who didn't care about community values, and you called Toni a racist fascist.

You don't necessarily believe that Toni's a racist, you're just fed up with his/her constant complaints about kids. Maybe if Toni had more compassion and actually got to know the kids, s/he would realize that they have tremendous potential. Someone ushered you outside from the meeting and, finally, offered to listen. You regret what you said about Toni, but were highly offended.

Generation Gap

Mediator

When Sandy, Lee's parent, put Lee on restriction due to poor grades, Lee asked for mediation, and Sandy reluctantly agreed.

✕

Sandy

You are a single parent who wants what's best for your two children. When your high schooler Lee's grades dropped, you figured it was because Lee was spending too much time with a new boy/girl friend, Marty. You set up a curfew—8:30 p.m. on weeknights and 11:00 p.m. on weekends. You want Lee to get a clear message that grades are important, as you hope Lee can get a scholarship to college.

Marty seems like a nice kid with good values, but the relationship makes you nervous. After all, you never got to realize your dreams because you fell in love in high school, and Lee was on the way before you got to college. You are worried that Lee will end up in the same predicament.

You also want the family to do more things together, but with Lee gone all the time, that's impossible. You haven't invited Marty on family outings because you thought Lee would interpret it as meddling. If Lee would spend less time with Marty, things would be fine. You reluctantly agreed to mediate because you and Lee are getting along so poorly at home, but you're embarrassed about discussing family issues in public.

✕

Lee

You are a junior in high school, a responsible kid and a good student. When your grades dropped from an A to B average in the last grading term, your parent, Sandy, slapped on a ridiculous curfew—8:30 p.m. on weeknights and 11:00 p.m. on weekends.

One reason your grades dropped was that you have been spending a lot of time with your boy/girl friend, Marty. You and Marty have been dating for three months, and you really enjoy Marty's company. In fact, the two of you do homework together, and with Marty's help, you pulled your math grade up from a B up to an A. You don't understand why your parent, Sandy, is so concerned about the two grades that went down from A's to B's. You think it will be easy to bring those grades up.

Marty is important to you. The two of you are best friends—you can talk about anything with Marty, and s/he understands you. You'd like to bring Marty around more often but it seems like Sandy wouldn't like that. You're upset that your parent doesn't trust you with Marty and blames Marty for your lowered grades.

You want the curfew changed to a respectable one—you feel like a baby having to be in by 8:30 p.m., and you want to continue having some free time with Marty. You requested mediation.

Generation Gap (Option)

Mediator

When Sandy, Lee's parent, put Lee on restriction, Lee asked for your help in talking with her parent.

✕

Sandy

You are a single parent who wants what's best and morally right for your two children. You never got to realize your dreams because you fell in love in high school and had your first child, Lee, before you got to college. Now you are active in the church and want your daughters to have opportunities you never did.

You recently found a note to your 16 year-old daughter, Lee, from her boyfriend, Marty. You saw the note in Lee's room when you were putting away her clean socks. You were shocked and dismayed by the note, which clearly indicates that Lee and Marty have had unprotected sex together. You were so upset that you confronted Lee with the note and immediately put her on restriction—no dating on weeknights and home by 10 p.m. on weekends.

Marty is a nice kid, but the relationship makes you nervous, and now you realize how irresponsibly Lee and Marty are behaving. You know that you shouldn't prohibit Lee from seeing Marty altogether, and you realize that you can't stop Lee from having sex. You're very concerned that Lee might be pregnant, that she will be exposed to sexually transmitted diseases, and that she could ruin her life if she doesn't behave more responsibly.

You reluctantly agreed to mediate because you and Lee are not talking with each other at all now, but you're embarrassed about discussing family issues in front of others.

✕

Lee

You are a senior in high school, age 16, a responsible kid and a good student. You and your boyfriend, Marty, do homework together, go out on weekends, enjoy each other's company, and have a great relationship.

Your parent, Sandy, recently found a note Marty had written you. In the note Marty was pretty explicit about the time you had sex together. You feel violated that Sandy went through your personal stuff (the note was in the back of your underwear drawer). You're also worried because your period is two days late and you didn't use birth control with Marty. You're confused about what to do.

Sandy confronted you with the note and put you on restriction that is totally unfair—no dating on weeknights and home by 10 p.m. on weekends. You and Sandy have not spoken since the confrontation. You are upset about the curfew and the privacy issue and embarrassed about talking with your parent about sex. You asked an adult you trusted to help you talk with Sandy about the problems, because it's really unpleasant at home right now.

Spoiled Love

Mediator

This is a conflict between two individuals, Skye and Zane, related to the break-up of their past relationship. Skye was considering taking out a warrant against Zane and was referred to mediation by the magistrate.

✕

Skye

You and your former friend, Zane, were in a year-long relationship. You live with your parents. You ended the relationship about six months ago and began seeing someone else.

Zane has been phoning you at all hours of the night, waking you and your parents, and calling you at work and harassing you there. It's always the same story, Zane calls crying, wanting to get back together with you, and you're not interested. You think Zane is also responsible for mail missing from your mailbox.

One night while in town with your new partner, you were stopped at a red light, and Zane jumped on the hood of your car and started yelling at the two of you.

You considered taking out a warrant, because you want all the harassment to stop. Zane has never threatened you or been violent. You are not interested in a relationship with Zane; you just want to be left alone!

✕

Zane

You and Skye were in a serious relationship with each other for over a year, and you had begun thinking about marriage. You were crushed when Skye broke off the relationship a few months ago, and really hurt when you learned that Skye was already involved with someone new.

Skye accused you of making harassing phone calls and tampering with his/her mail. You have called, but not as often or as late at night as Skye reports. You have really tried to talk to Skye to convince him/her to give the relationship another chance. You deny having tampered with the mail.

You still care about Skye, and when you saw Skye and another person in town recently, you went over to Skye's car and pounded on the hood, to get their attention. You were quite upset, but had no intention of threatening or hurting them.

You are starting to realize that Skye doesn't want to get back together with you. You're willing to try to go your own way. You think Skye's accusations are ridiculous, and that if it went to court, it would be thrown out. Even so, you'd like to avoid going to court.

Roach City

Mediator

This is a problem between a landlord (Lane) and tenant (Terri). Last week Lane was expecting to receive rent, but Terri instead submitted a bill to Lane. Although they were on friendly terms initially, Terri and Lane have had very little contact since they first met. Lane asked for mediation and Terri agreed.

✂

Lane

You owned and lived in a house for 15 years before deciding to buy another place and rent out the house. You interviewed a lot of possible tenants and chose Terri, thinking s/he was responsible and would take good care of the house. Terri mentioned that the house (especially the stove) needed cleaning.

You were totally surprised when Terri sent you a bill for \$100 instead of the second month's rent (\$300). Terri paid the first month's rent in advance of moving in. Along with the bill, Terri sent a note saying that the house was filthy, so s/he hired her/himself and another person to clean it.

How can Terri hire him/herself and another person without even asking you? You are very upset and feel cheated! You don't understand how it required \$400 for cleaning the stove (\$300 rent plus \$100 cleaning bill). You want the rent paid *now*, but you are willing to make some adjustment for the cleaning work.

You had agreed to let Terri move in on the 27th of the month because you thought the purchase of your new house would be completed by then, but you had to delay Terri's move for three days, until the first of the month.

You didn't talk to Terri about the bill because you were too upset, but instead asked for mediation to try to get help with sorting it out.

Roach City (Continued)

×

Terri

You are renting a house from Lane for \$300 per month. You've been in the house four weeks, and paid the first month's rent in advance.

You expected to be able to move in on the 27th of the month, but Lane hadn't yet moved out on that date, so you weren't able to move in until the following weekend. You needed to move sooner because the lease on your old apartment was up, and the delay cost you money.

The house was filthy – the stove had roaches, there was cooking grease on the walls and ceiling, and the toilet hadn't been cleaned in ages.

A friend helped you clean inexpensively. You charged \$10 per hour for your time and for your friend's time for cleaning. The two of you spent a whole weekend cleaning up the house, so you figure that was a total of 20 hours at \$20 per hour = \$400. You subtracted \$300 rent from that, and gave a bill of \$100 to Lane.

Actually, you didn't have to pay your friend, but you thought \$10 was a reasonable amount to request for his services.

You don't want to move out of the house, especially since it is so clean and just what you want for a home. You are willing to negotiate. You will pay the rent, but not the full \$300.

Lane never asked you about the bill. The first thing you heard was that Lane wanted to go to mediation. You agreed to mediation, hoping to get on better terms with Lane.

Seeing Red

Mediator

Two friends split up their relationship after three and one-half years together. They are having a very rough time communicating with each other right now, but they want to try to work out some of the sticky areas of separating. They own land together as well as some possessions, and it's hard for them to talk without getting into a big argument or getting real upset.

✕

Nicky

You and Red have been together for over three years. About a year ago, things weren't going well in your relationship, but you decided to make a commitment together, thinking that would help. You bought a small piece of land on the river together (for \$11,000), where you like to go camping, picnicking, or boating. You also own an old boat with Red that you personally paid for but said was to be both of yours—you paid \$900 for it.

You and Red had been living in Red's house until a few weeks ago when, by mutual decision, you moved out and got your own apartment. Since then, Red won't talk with you and is angry because you are seeing someone else. You waited until after you split up to begin seeing the other person.

It's getting to be great camping weather. You want to get the boat from Red's house and go camping.

✕

Red

You and Nicky were in a relationship for three and one-half years and lived together in your house until three weeks ago when, by mutual decision, Nicky moved out. Nicky immediately started spending time with someone else. You think Nicky was deceptive, and you are angry about being "dumped."

You still really care about Nicky and had hoped to stay in the relationship for a long time. Last year you and Nicky bought land together on the river for \$11,000. This was a bargain and the land is probably now worth about \$13,000. Nicky bought an old boat for both of you to use and it is stored at your house. You don't want it around because it reminds you of the bad times between you and Nicky.

You would like to work out arrangements for the land, and you would like to be able to be around Nicky and feel comfortable. You need to get on with your life.

Business

Business Flex-time

Mediator

Chris, a support person in the office, asked for mediation with Robin, the Director of the office. The Director reluctantly agreed, provided it was not too time consuming.

✕

Chris

You are a support person in the office. You have been there almost two years. In your last job you had a lot of input into decision making. When you try to offer suggestions here, the director, Robin, doesn't listen or seem to care. You're used to having flexibility in your job description and in your hours.

Recently you offered to work late on Mondays and Tuesdays in order to come in late on Thursdays. You proposed this because:

1. You want to take a computer class on Thursday mornings;
2. Monday and Tuesday are the busiest days; and
3. Clients might appreciate having extended business hours. However, you didn't have a chance to give your reasons. Robin immediately said that it wouldn't be possible, and you were reluctant to bring it up again.

You were talking with friends about this problem, and they suggested mediation. You thought it was a great idea. You like the work and the other staff here. You don't know Robin well, but are willing to be open minded.

✕

Robin

You are Director of the office. You have been there 12 years and are responsible for supervising a staff of ten people. Chris is relatively new (1½ years), kind of flaky, and comes up with off-the-wall suggestions. The latest one involved Chris working late sometimes and coming in late sometimes.

You run a tight ship. You think staff should be able to express their opinions, but then they need to accept your decisions. You're not opposed to change, as long as it's well thought out and well reasoned.

You have been under a lot of stress lately because it's been really busy, and you have a lot of paperwork to complete, decisions to make and endless meetings to attend. You admit that sometimes you are short-tempered with people.

When Chris suggested mediation, you agreed, if it wouldn't take too long. You are somewhat skeptical about mediation (afraid it could undermine your power).

Work Load

Mediator

Co-workers Pat and Robbie disagree about job responsibilities and unequal work loads. When Robbie complained to the manager, mediation was suggested. Both agreed to try it.

✂

Robbie

You feel overwhelmed with work demands and are often tired. You are upset with your co-worker, Pat, because Pat has a lot of "free time" and will refer customers/clients to you that Pat could have helped him/herself. For example, Pat could help with walk-in inquiries, fielding complaints, or answering the phone more.

You think it's clear to Pat that you don't have time to handle all the reception work in addition to your other duties. Pat has worked here longer than you and has more power with the manager. When you complained, the manager suggested mediation.

✂

Pat

You feel good about how you manage your time and your responsibilities. You are upset with your co-worker, Robbie, because Robbie keeps wanting you to "rescue" him/her by taking on work that is not within your job description, such as serving as a receptionist.

You think Robbie should figure out how to better juggle job responsibilities. You think that you're more efficient than Robbie and that Robbie's style of working (spending longer than is needed with each phone call, taking long breaks, handling personal matters on company time) is a major factor in Robbie being overwhelmed.

You have worked in the department longer than Robbie and have a good relationship with the manager. When Robbie complained about the situation, the manager suggested mediation.

Cold Shoulder

Mediator (Supervisor)

Supervisor notices some real tension between two co-workers, Terry and Robin, who used to be quite friendly with each other. It is getting to the point that it's interfering with work because they need to cooperate on some aspects of the job— planning and billing. Supervisor calls them in to talk about his/her concern for productivity and smooth working relationships.

✂

Terry

You think your friend and co-worker, Robin, has been neglecting you lately. You think it's because you have a new boy/ girlfriend who is a different race from you. You feel very let down because after you confided in Robin about this new love, Robin told others about the relationship and is now ignoring you.

✂

Robin

You feel left out ever since Terry started seeing a new person. Terry never wants to go out to lunch with you anymore and doesn't confide in you anymore. You mentioned to a friend that Terry hasn't been too friendly since Terry started seeing the new person. Terry's new boy/ girlfriend is a different race from Terry, but that is fine with you. What is bothering you is being ignored by Terry. Your feelings were hurt when Terry snapped at you the other day about some work, so you haven't approached Terry at all lately.

Beat The Odds

Mediator

Another staff person where you work and an adolescent client got into an argument. It sounded pretty heated. Later, you offered to mediate, and they accepted.

✂

J. Hammond (Staff Person)

You have been working as a caseworker with an adolescent client, Toby, who belongs to an ethnic group with a reputation for getting into trouble. You really like Toby and want to see him/her "beat the odds." Toby is bright, has a good head on his/her shoulders, and could go far, if s/he applies her/himself.

Today you found out that Toby had laid out of school. You got angry and started talking to Toby about how serious this is. When Toby was unresponsive, you got mad and made a remark about Toby ending up just like other (African-American, Hispanic, Native American, "White Trash") youth. You are sorry for that remark, but you also want Toby to understand the seriousness of the situation. Now Toby won't even look at you.

Upon hearing of the situation, a co-worker offered to mediate, and you accepted the offer.

✂

Toby (Adolescent Client)

You are angry about what your caseworker, J. Hammond, said to you today. In response to finding out that you had missed a day of school, Hammond got mad, and loud, and said that you would end up just like other members of your ethnic group (African-American, Hispanic, Native American, "White Trash").

Hammond has gone on for weeks about how great you are, how much potential you have, etc. When this one thing happened (skipping school), Hammond blew up and associated you with the rest of your ethnic group's failures. Hammond didn't even try to hear you.

You didn't go to school because your dad threw you out of the house the night before so that he could entertain a girlfriend. He is an alcoholic and things at home are very tumultuous. You want to do well for yourself, and you don't like being held accountable for all the failures of your ethnic group. You are not very talkative, and don't feel like looking any of these "cheap talk social do-gooders" in the eye.

A co-worker of Hammond's heard about the problem between you and Hammond and suggested that the three of you talk. You said okay.

Hot Cross Buns

Mediator

The parties are two co-workers, Tim and Jana, who are in conflict regarding a sexual harassment complaint against Jana. It was referred for mediation by their supervisor. Both agreed to mediate.

✂

Tim

You are relatively new to the Department and to this job. You are a religious person and have led a sheltered life. Perhaps you are overly sensitive, but you took offense at Jana's use of gutter language on the job (saying things like "I don't give a shit" and "what the hell" and "G . . . D . . ."). You were also offended by Jana's lewd comments about you ("nice buns") and innuendoes ("We should get together sometime"). Others at work use similar language, but Jana is a ring leader.

You were embarrassed because Jana made these comments pretty loudly in front of other employees. You filed a sexual harassment complaint, alleging vile language, lewd comments, and sexual innuendoes, in an attempt to stop the problem. You want to be able to focus on work without being harassed.

So far you haven't made any friends at work, and would like to be accepted by others, Jana included, so long as they stop making you the butt of their jokes. When your supervisor suggested mediation, you thought it might be a good way to air the problem in private and get some resolution.

✂

Jana

You are a hard worker, a good person, and have been in this Department for 15 years. After years of working with men and women who joke with each other and talk casually around each other, you are slightly loose of tongue.

You admit you made some raucous comments to Tim, a new co-worker, to try to lighten things up. You saw the comments as a joke and didn't realize you were offending Tim. You assumed that men talk crudely and can handle jokes and sexual innuendoes.

You were surprised, embarrassed and quite worried about a sexual harassment complaint filed by Tim against you. You want your work record cleared and would like to get on better footing with Tim, since you'll be working closely together. Your supervisor suggested mediation, and you readily agreed.

Coffee Break

Mediators (Supervisor)

Tracy and Sean have had a difficult time working together the last few days. The other day at break, Tracy told Sean, "Shut your stupid mouth," and Sean threw coffee on Tracy. You offered to mediate.

✕

Tracy

You have been working in the Department for several years. You and Sean have worked as a team for the past two years, and all has been fine. You enjoyed working together.

You are mad because you heard that Sean told some people that you are a drug addict who gets high at lunch time. This really made you angry because it's not true and you don't appreciate people talking that way. Now people are kidding you about this, and you don't take kidding well. It's a touchy subject for you, since you are in alcohol recovery.

The other day at break you told Sean to quit talking about you. Sean threw a cup of hot coffee on you. This really made you mad and embarrassed you further. The supervisor offered to mediate, and you agreed. Something needs to be done to control Sean.

✕

Sean

You and Tracy have worked together in the Department since you came to work two years ago. You have gotten along okay with Tracy until recently.

You are under a lot of pressure, holding down two jobs and taking a night class. You and some other employees were kidding around the other day and you jokingly said that Tracy gets high in the parking lot at lunch time. You didn't think any harm was done because everyone knows it's not true. You never said anything about Tracy being a drug addict.

Yesterday at break Tracy told you to "shut your stupid face" and to quit talking about him/her. This made you mad, and you tossed your coffee at Tracy. You are sorry about the coffee throwing (there wasn't much left in the cup when it happened) and want to straighten out the situation with Tracy. You think Tracy needs to lighten up and quit taking things so seriously. The supervisor offered to mediate and you agreed.

Cousin Gossip

Mediator

This is a dispute between two employees, Jamie and Byrd, who work in a different department from yours and are currently not speaking to each other because of office gossip.

✕

Jamie

You are a new employee and younger than your second cousin, Byrd. Byrd helped you get a job in the same department as Byrd. You've been there about four months. You and Byrd grew up together, had a close relationship, and you have always looked up to Byrd.

Recently you told Byrd some personal information in confidence regarding your divorce and affair with another person in the organization. Yesterday, you found out that other people at work now know about your private life, and you feel upset and betrayed by Byrd.

You decided to have nothing to do with Byrd, and especially not to talk with her/him. You are still a probationary employee, so when your supervisor strongly encouraged mediation, you said you'd participate.

✕

Byrd

You have been an employee for ten years and worked hard to get your second cousin, Jamie, hired in the same department where you work. Jamie has been having marital problems for a while—s/he married young, is divorced, has been seeing someone from work and still has a wild streak. You are older than Jamie and look out for her/him.

You did talk with one other person in the department, Grace, about some of the confidential information Jamie told you. You did this because Grace is a close friend, and you thought Grace could help you figure out how to support Jamie in this difficult time. Grace has been through separation and divorce also. You trusted Grace to keep the information confidential.

You didn't intend for the information to spread, but it did, and you feel badly about that. You don't appreciate Jamie's silent treatment of you and want to re-establish contact. Due to the tension in the department between you and Jamie, your supervisor suggested mediation, and you agreed that it might help.

Rumor Mill

Mediator

Andi and Sinclair, co-workers, have worked well as a team for two years. Andi suddenly asked to be assigned to a different department because of "irreconcilable differences" with Sinclair. There has been a lot of controversy about these two recently; the rumor mill is alive with something.

✕

Andi

You have been working in the department for several years. You and co-worker, Sinclair, have worked well as a team for the past two years and all has been fine, until recently. You heard that Sinclair told some people that you are gay. This really made you angry, because it's not true and you don't appreciate people talking about you that way. Some people have even made rude comments or seemed to be less friendly.

You are also extremely hurt because at one time, you confided to Sinclair that you thought your brother was gay, and you wanted some advice about how to approach him about it.

Now everyone at work is talking about you, mostly behind your back, and it has gotten very uncomfortable. You asked to be transferred to a different department because of "irreconcilable differences" with Sinclair.

✕

Sinclair

You and co-worker, Andi, have gotten along okay until recently. You are under a lot of pressure lately, holding down two jobs and taking graduate courses at night.

You and some other employees were kidding around the other day and you jokingly said Andi must be gay because s/he never had a date for department functions. You didn't think any harm was done, because everyone knew it wasn't true. This has nothing to do with Andi's confiding in you that s/he was concerned about her/his brother being gay; you would certainly never reveal sensitive information like that to anyone, especially in the workplace.

You want to straighten out the situation, especially since the two of you must continue to work as a team, as you have for two years. You think Andi is being overly sensitive and needs to lighten up a little.

Research Project

Mediator

Earlier in the day, Supervisor Johnson walked into Employee Wilson's office to inquire about something he/she had overheard in reference to Wilson's involvement in a research project. Wilson became agitated, blew up and told Johnson he/she did not want to discuss it. Later, both agreed to talk.

✕

Supervisor Johnson

You are very concerned about Employee Wilson, whom you supervise. You overheard several other employees talking about how unhappy Wilson is with a research project, and it sounded like Wilson was angry about being assigned to the project in the first place. Last month you specifically assigned this responsibility to Wilson because you wanted to groom her/him for an opening in another supervisory role, but it is still too soon to tell Wilson about that position yet.

Wilson is an excellent employee, with so much potential. You are probably harder on Wilson than others because you have higher expectations of her/his performance—you know you can count on Wilson to get the job done right.

You were hurt when Wilson went behind your back to talk about the project rather than discussing it with you, and now Wilson won't even talk to you. You have been Wilson's supervisor for six months, and you don't want to lose this valuable employee! You suggested mediation.

✕

Employee Wilson

You have worked under Supervisor Johnson for six months and, until recently, have really enjoyed it. Johnson is a good mentor and has been very helpful in integrating you into the department.

About a month ago, you were assigned a very exciting research project and were honored. Since then, however, it seems that Johnson's mentoring has changed to nagging. Johnson is constantly after you about the project, barging into your office at every opportunity to discuss it. You feel like you have no space, and you're beginning to wonder why Johnson assigned this project to you, if s/he can't leave you alone to work on it.

You have expressed to some other employees that you were frustrated and wanted Johnson to back off. Earlier today Johnson asked you about your complaints. You blew up—mainly you were very upset and angry that these expressions of frustration had turned into office gossip. You want things to "return to normal" and want to be able to stay in this department, since it will certainly benefit your career. You agreed to try mediation.

Survey Team

Mediator (Supervisor)

Mickey and Nicky are co-workers who are responsible for leading a planning team that involves gathering information from other staff and compiling that information as part of a report for the administration. When you asked Mickey about their progress, Mickey snapped back at you that Nicky wasn't doing his/her part. You offered to mediate between Mickey and Nicky.

✕

Mickey

You and Nicky are co-workers who are responsible for leading a planning team in gathering information from other staff and compiling it into a report for the administration. There is a tight time line. You and Nicky have to make sure that questionnaires are completed and short interviews conducted with every staff member. Your part of the work is ahead of schedule.

You're afraid that Nicky isn't getting the work done, and you're not sure why. Whenever you ask Nicky about it, s/he tells you not to worry, but you know Nicky isn't even half way finished. An incomplete report would look bad for your department, and it is likely to have a negative effect on your chance for promotion.

You want Nicky to pull her/his own weight. You are tired of covering for Nicky but haven't talked with Nicky about the project in a constructive way. When your supervisor asked about the progress, you made some snide comment about having your part done but Nicky really dragging his/her feet. Your supervisor offered to mediate between you and Nicky, and you agreed.

✕

Nicky

You and Mickey are co-workers who are responsible for leading a planning team in gathering information from other staff. The information will be compiled into a report for the administration. There is a tight time line. You and Nicky have to make sure that questionnaires are completed and short interviews conducted with every staff member.

You have started your interviews, but, because you got the flu and took a few vacation days with your family, your progress in overseeing the interviews has been delayed. There are still two weeks before the report is due, and you hope that your work will be finished by then, but its going to be close.

Mickey is getting anxious about this project and is getting pushy. You figure you can do only what you can do. How can anyone ask for more than that? You don't see the problem with turning it in a little late. The administration probably won't even look at the report anyway! Your supervisor suggested a meeting with Nicky to talk about it, and that sounded like a good idea.

Computer Mapping

Mediator (Supervisor)

Kim and Jo, co-workers in the Planning Department, are working on a big computer mapping/coordination of services project. They came to the supervisor, individually, to complain about the other person. The supervisor offered to meet with both staff members in mediation to try to clear things up.

✂

Kim

You and Jo are co-workers in the Planning Department and have worked together for several years. You are well organized and prompt. It is important to you to prepare well, do a thorough job, and to present material in a professional way. You usually handle the technical aspects of the joint projects and Jo handles the people aspects. You think Jo is sloppy, imprecise, and slack about time.

You and Jo have been working together on a big project for the city involving computer mapping and coordination of services. You have been under enormous time pressure. Last Monday, Jo was late in meeting his/her deadline (which seems like a frequent event). You blew up and called Jo a lazy pig who didn't care about other people or the work you're doing together. It seems like you carry the weight of the work load.

You realize that you lost your temper and shouldn't have been so harsh, and you're embarrassed about that. You like Jo and want to work better together. You would like Jo to be more responsible about time commitments and the manner of reporting and presenting information. You are almost finished with the mapping job.

✂

Jo

You and Kim have worked in the Planning Department together for several years. Kim usually handles technical aspects of joint projects, and you usually handle people aspects. You are friendly, enjoy working with people, and take your time in order to do a good job. Sometimes that means that you are a bit late in meeting deadlines.

You and Kim have been working together on a big project for the city involving computer mapping and coordination of services. You have been under time pressure to complete the project. You were running late in getting some data together about community services, and when you tried to talk with Kim about the problem, Kim blew up and called you a lazy pig who didn't care about the job. You and Kim had had a good work relationship until recently when Kim insulted you in front of co-workers.

You were hurt by the remark and offended because Kim lashed out at you in front of co-workers. Kim had not previously mentioned any concerns. You are very upset about the rift and want to straighten things out. The mapping job is almost finished.

Dysfunctional VCR

Mediator

Two co-workers recently got into a big argument and shouting match over a TV/VCR. You offer to help them talk through their problems.

✕

Casey

You loaned your new VCR to your co-worker friend, Kendal, who wanted to borrow it to view some training films from work. Kendal used the VCR to watch the films and did not return it for a long time (two-three weeks). When you finally got it back from Kendal yesterday, Kendal said it wasn't working right, and you finally got it out of Kendal that s/he had dropped the VCR.

You got really mad and yelled at Kendal because you had not even used the VCR. Kendal had kept it for such a long time and had not told you that there was a problem with the VCR. You had some new movies you wanted to see, and you had planned to have friends over to watch videos last night.

✕

Kendal

You borrowed a VCR from a co-worker, Casey, to preview some training videos for work. It was a new VCR, still in the box. When you set it up in your house, it was not working properly—the picture was fuzzy and the sound was odd—but you were able to watch the films. One night some friends brought pizza over and you watched some rental movies on the VCR.

You have been really busy at work, and Casey said not to worry about getting it back right away, so you just got around to returning it to Casey yesterday, after two to three weeks.

As you were putting the VCR in the box to return it, the box fell. You were worried about the fall, but you figured the VCR was under warranty and could easily be repaired or replaced, and the drop was not that far. Besides, it had technical problems to begin with.

When you returned the VCR at work yesterday, you told Casey about the technical problems with the sound and picture. You also told Casey that the VCR had been dropped, but that you didn't think the drop would hurt it. Casey blew up and started yelling at you. That was very disturbing to you, and you were unable to concentrate on work for the rest of the day. You think Casey over-reacted and owes you an apology.

Mustang Sal

Mediator

Sal and Jamal work in the same department. They used to be friends but have not spoken together for some time. You heard that one of them threatened the other recently. Work performance is suffering because of the rift. They agreed to mediate.

X

Sal

Last month you sold your co-worker, Jamal, a 1976 Mustang with 120,000 miles on it. The car ran okay at the time of the sale. You never transferred title because Jamal still owed \$500 of the \$1,500 purchase price. You told Jamal it was okay to pay it off "over time." Recently Jamal demanded the title, so you asked about the money. Jamal replied, "You'll get that money over my dead body!" An argument ensued, and you haven't spoken with Jamal since.

You and Jamal used to be friends and have worked together in the same department for over four years. Your supervisor suggested mediation, and you agreed because you need the money Jamal owes you.

X

Jamal

You purchased a 1976 Mustang from your co-worker, Sal, last month. The purchase price was \$1,500, of which you paid \$1,000 cash. Sal knew you were broke and needed cheap, reliable transportation and told you not to worry about rushing to get the rest of the money paid off.

Within two weeks the car needed a new transmission. Now the car needs new brakes. You have already put \$850 into repairs. It's running now, but you have no title—Sal has not transferred the title yet—therefore no tag. Recently, when you inquired about the title, Sal got nasty and insisted on the money, which you would have had, if not for the repairs. You didn't get a chance to tell Sal about the repairs before the argument and haven't spoken with Sal since then.

You and Sal used to be friends and have worked together in the same department for over four years. Your supervisor suggested mediation, and you agreed because you need the car title.

Absentee Employee

Mediator

The XYZ Corporation has included a mediation component in its grievance procedure. You work in a department different from that of the employee and supervisor involved in this particular grievance. You have received mediation training and have been asked to serve as a mediator in this grievance proceeding.

You have very little information on this case and do not know either the employee who filed a grievance, Wilson, or the supervisor, Burns. That's okay, because you know that the parties will give you all the information that you need. You do know that the complaint concerns a dock in Wilson's pay for time that Wilson allegedly missed from work.

✕

Employee Wilson

You have worked in the same department at XYZ Corporation for a little over three years. In the past, on election days, staff members in your department have been allowed two hours time off to vote. It was an unwritten policy that was very well accepted by those in the department who commuted long distances to work. Approximately four months ago, a new supervisor, Burns, was assigned to your department. Changes were made, but you do not recall anything said about not allowing employees two hours off to vote.

You came in two hours late on election day. Burns (the new supervisor) called you into the office and asked for an explanation. You told Burns that you were late because you had remained in your home town until the polls were open so that you could vote. Burns said that you could have voted by absentee ballot and avoided missing work. Burns stated that you would be docked two hours leave without pay. You didn't think this was fair, since you were not informed beforehand that time off for voting was no longer allowed.

Because of your strong belief in fairness and equitable treatment, you felt compelled to file a grievance. You want pay restored for those two hours. You really don't want to start off this new relationship with Burns on a bad foot. However, you are adamant about not being taken advantage of in any way. The company grievance procedure has a mediation component, and it is to your advantage to work this out in mediation.

Absentee Employee (Continued)

✂

Supervisor Burns

You were assigned as supervisor of your current department at XYZ Corporation about four months ago. You have made a diligent effort to ensure that policies and procedures have been properly disseminated. Even so, something is always coming up.

You announced last week that no one would be allowed time off to vote. There was no official policy that required you to allow time off for voting, even though it was an unofficial practice in this department before you came. Your announcement was made at the very end of a staff meeting, after the meeting was officially adjourned. Everyone should have heard this announcement, since most, if not all, of the staff members were still in the room.

Wilson, an employee in your department, arrived at work two hours late on election day. Wilson could have voted by absentee ballot but instead had taken work time to visit the polls in person. You felt compelled to apply the written absentee policy fairly and uniformly, so you docked Wilson two hours leave without pay. Wilson filed a grievance.

It seems to you that you keep running up against "unofficial" policy. Mr. Shorts, the former departmental supervisor, had a reputation for running a loose operation. You certainly don't want that reputation. You are constantly being tested with reminders of, "Mr. Shorts used to do things this way." You are not Mr. Shorts. You have your own way of doing things, and you think that people work better together when everyone understands the rules.

Wilson has a good reputation as being an excellent employee, and you have found that to be true. You would like to be allies. However, you must have a certain level of respect in order to be effective in your job. The company grievance procedure has a mediation component, and you want to resolve this matter in mediation.

A Room With A View

Mediator (Supervisor)

Randy and Toni have been working in your department, sharing a small office with another co-worker. As a result of renovations, the whole department will be moving to a different floor within two weeks, so a decision needs to be made soon regarding who gets which office.

Toni and Randy both expressed interest in having the corner office. The other available space is near the bathroom. With trouble brewing, you, as Randy and Toni's supervisor, decide to mediate, rather than impose a decision that someone may resent.

✂

Randy

You have been working in a cramped office with two other staff for the past four years, since you came to work at this hospital. Toni was one of the co-workers sharing space for the past year.

When renovation plans were announced last year, you hoped it would be possible for you to have a roomier work space, with a view of the mountains. The corner office is *perfect*! It has two nice windows, with a great view, and room for small meetings, which you schedule frequently (on Tuesday and Thursday afternoons, and occasionally at other times).

Toni mentioned that s/he was also interested in the corner space. You think you should have the space due to your seniority, but you would be happy for other staff to drop by occasionally to enjoy the view of the mountains. Your supervisor scheduled a meeting to discuss the assignment of office space.

✂

Toni

You have been working with Randy and another co-worker in a very cramped office space for the past year, since you began work at this organization. You hoped that as a result of recent renovations, you'd have an office of your own.

You think the corner office would be nice—it's private and roomy, which would be great for the meetings you schedule on Monday and Wednesday mornings. You want to bring in plants, hang your own pictures, and personalize your space at work. The other available office space, across from the bathroom, isn't as large and doesn't have much of a view.

You heard that Randy also wants the corner office. While Randy has been working there longer than you, you don't see why s/he should get special preference, since you have very similar responsibilities. You want the decision about office assignments to be fair, and you're not certain that an objective decision will be made because of Randy's influence within the department. Your supervisor scheduled a meeting to discuss office space.

Daycare

Daycare

Below are some short scenarios that can be used to practice an abbreviated mediation or conflict resolution process with very young children.

1. You see one child go hit another child who is sitting quietly reading a book.
2. A child says, "You're a poop butt," to another child who gets very upset and comes crying to you.
3. A child knocks the blocks down that another child carefully stacked up, just because s/he felt like it.
4. Two children are arguing over who gets to keep the Frisbee they found outside.
5. A child accidentally spills juice on another child who then gets very upset and starts crying.
6. A child accidentally spills paint on a birthday card another child was making for his/her dad.
7. A child runs to you and says that another child pushed him/her off the swing.

Let The Chips Fall Where They May

Mediator

It was snack time, and all the kids were sitting down eating. Dana pushed Sandy off the bench, and Sandy started crying.

✕

Sandy

You and Dana were eating a snack together on the bench. Jay came over to join you. Dana shared potato chips with Jay and not with you, when you had already asked Dana to share. That hurt your feelings, so you said you weren't going to be friends any more. With that, Dana pushed you off the bench. You were real upset and started crying because Dana was so mean to you.

✕

Dana

You and Sandy were sitting together eating snack. Jay came over and asked you to share your chips. You did because yesterday, when Sandy was absent, Jay shared his cookies with you, and you promised to share something with him the next day. Sandy wanted you to share your chips today, but didn't have anything good to trade for them.

All of a sudden Sandy said s/he didn't want to be friends any more. You pushed Sandy lightly on the shoulder as a joke, and Sandy fell off the bench. You didn't mean for Sandy to fall. You still want to be friends and thought it was mean of Sandy to say s/he wouldn't be friends just because you kept your promise to Jay.

Spoiled Art

Mediator

Terry and Lee are pretty good buddies. Terry was working on an art project. Lee came over, and they got into an argument. Both seem really upset.

✂

Terry

You were working on an art project—something you were planning to give to your mom this afternoon, and you wanted to get it finished. Lee came over and was standing right where you wanted to be. You told Lee to move over, and when Lee didn't, you wrote on Lee's arm, accidentally, with the marker in your hand.

Lee pushed you and made you mess up your project a little bit. You and Lee were pretty good buddies, but recently haven't been playing together much.

✂

Lee

You went over to see what your friend, Terry, was making. It looked like a nice thing, and you wanted to make something too. Terry told you to move over, but didn't say why and didn't ask you to move; she/he just told you in a demanding voice. You didn't move, but you would have if Terry had asked nicely.

Terry wrote on you with a marker, and that made you mad, so you pushed Terry, but not very hard. You and Terry used to be good friends, but haven't been playing much together lately, because Terry is playing with a couple of other kids all the time. You'd like to be friends again.

Batter Up

Mediator (Teacher)

Two young children, Drew and Jerri, had a conflict over a cooking project. The mixing bowl ended up on the floor, some batter spilled, and now there's a mess to clean up. You thought you'd try mediation.

✂

Drew

You are a young child who wanted to help another child, Jerri with a cooking project. When you offered to help with mixing up the batter, Jerri said, "NO." You grabbed the spoon. Jerri pulled it back, and the bowl fell on the floor. Some of the batter spilled out. It seems to you like it was Jerri's own fault. Now there's a mess on the floor. You were just trying to help and didn't want to be left out.

✂

Jerri

You are a young child who was working on a cooking project, mixing up muffin batter. Drew, another child you are not fond of, came up and wanted to help. You said, "NO," that you didn't need any help. Drew grabbed the spoon. You pulled it back. The bowl fell on the floor, and some of the batter spilled out. A glob of batter got on your new sneakers.

You hate Drew and want him/her to leave you alone. You're upset about the batter spilling and the glob on your shoes.

The Way We Were

Mediator

This is a dispute between two teachers, Mickey and Nicky, who share classroom space and have very different styles of teaching and tolerance for disarray. The mediator could be a co-worker, resource person or principal.

✂

Nicky

You are a teacher who shares a classroom with Mickey, another teacher. You spent all afternoon yesterday straightening and rearranging the classroom in order to improve the traffic flow, the noise problem and confusion at clean-up time. In addition to the classroom space, you cleaned out the supply closet and organized all the papers, markers, and art supplies.

When you arrived this morning, you discovered that your co-worker, Mickey, had put all the tables, chairs and books back in the old way. This is very upsetting. You were already really frustrated in working with Mickey, who is insensitive to your needs, sloppy, unprepared, and leaves a mess at the end of the day. You need orderliness. You're fed up with the situation.

✂

Mickey

You are a teacher in a shared classroom with another teacher, Nicky. Yesterday afternoon Nicky rearranged all your stuff in the classroom without asking you. You liked it the way it was, knew where to find everything, and the children knew where everything was. You were surprised to find all the tables and chairs in different places this morning and most of the books rearranged, so you put the room back the way it was.

Nicky rearranged the supply closet too, which was badly needed (the children make such a mess of things), but you would have liked to have been consulted before Nicky made major shifts. Contrary to Nicky's belief, you like structure in your life, but you also think creativity and improvisation are essential.

Dirty Harry

Mediator (School Director)

The after-school teacher, M. Harris was quite upset with Harry's parent Syd about an incident that happened yesterday, when Syd came to pick up Harry. You offered to mediate this afternoon. They both agreed.

✂

Syd (Harry's Parent)

Your son, Harry, is a preschooler. When you came to pick Harry up from after-school care yesterday at 5:55 p.m., you were tired, worn out, and had had a rough day. You had to go home, fix supper, and then go out to a meeting later. You were in a hurry and felt a bit guilty about working all day (being away from your child) and then having to go out at night.

When you got to school, you saw that Harry was filthy from playing in the dirt and mud, with juice stains on his new sweater.

You got very angry at the after school teacher, M. Harris because Harry was dirty and is often dirty. You had asked the classroom teacher (a different person) that morning to keep Harry clean because he was wearing a new sweater. You raised your voice and said some harsh things to Harris.

Today when you dropped Harry off in the morning, the school's director offered to mediate this afternoon. You agreed because you are tired of having the same problem recur.

✂

M. Harris (Teacher)

You are an after-school teacher, with limited resources and high energy kids. You spend as much time as possible outside with the children. You have very little communication with the classroom teachers. Yesterday, late in the day, you were tired and ready to go home, and waiting for one last child, Harry, to be picked up.

Syd, Harry's parent is often late in picking Harry up. Yesterday when Syd came at 6:00 p.m. (closing time), he/she was quite upset at you because Harry was not spotlessly clean. This was very disturbing to you and to Harry too. You think Syd was way out of line and owes you an apology for being so rude to you.

You talked to the school's director about the problem. The director offered to mediate the next afternoon (today). You're willing to try it.

Elementary School

Tapped Out

Mediator

It is quiet work time. Everyone is working on their creative writing assignment. Two students, Jo and Tory, begin yelling at each other. Jo and Tory are usually pretty good friends. Peer mediators offer to mediate.

✕

Jo

Another student, Tory, tapped on your arm a million times trying to get your attention while you were working on your creative writing assignment.

Tory's tapping really bothered you. You asked Tory to stop three times and Tory wouldn't, so you loudly told Tory to leave you alone or both of you would get in trouble.

Tory is your friend, but doesn't listen very well to you or to the teacher. Seems like Tory is always asking you for help.

✕

Tory

You were working on a creative writing assignment, and you didn't understand the instructions. You tried to ask your friend, Jo, about the instructions, but Jo kept ignoring you.

You touched Jo's arm to try to get Jo's attention, but Jo just started yelling at you.

Jo ignores you often, and it really hurts your feelings. Besides, you were worried because you didn't know how to do the writing work. You just wanted to ask Jo one question.

Library Book

Mediator

Two students, Blair and Cisco, were arguing in the library, and the librarian referred them to mediation. They are usually good friends, but they often get into spats with each other. They both seem upset.

✕

Blair

Last month, you and your friend, Cisco, were working together in the library on a project. Cisco was in a hurry, needed to check out a book for the project, and asked you to check it out for him/her. You checked out the book under your name.

Today, in the library, the librarian said the book was late and that you owed a \$3 fine on it. You got mad, yelled at Cisco, and called Cisco a "big slob". Seems like Cisco is always losing or misplacing stuff. The librarian told you and Cisco to go to mediation.

✕

Cisco

Last month, you and your friend, Blair, were working together in the library on a project. You were in a hurry, needed to check out a book for the project, and asked Blair to check it out, which Blair did. About two weeks ago you brought the book back to school, intending to return it to Blair or the library. You can't remember now whether you returned it. It could be in your locker, or in Blair's locker, or misfiled in the library, or in your desk, but you're pretty sure you brought it back to school. You often misplace things, and your locker is a bit messy.

Today, in the library, all of a sudden Blair got mad at you, started yelling at you, and called you a "big slob". This really hurt your feelings, embarrassed you, and confused you, because you and Blair were good friends just this morning.

Fire Drill

Mediator

During a fire drill, when everyone was heading down the stairs, Max bumped into Pat, Pat fell down, and everyone laughed. Outside, during the fire drill, the teacher suggested mediation.

✕

Max

During a fire drill, when everyone was hurrying down the stairs, you accidentally bumped into Pat, another student in your class. Pat fell and then threatened to "get you later."

At first, you felt badly about bumping into Pat, but when Pat threatened you, you reacted by calling Pat "a stupid klutz." The teacher came along, quieted everyone, and herded the class outside for the fire drill.

You realize you were wrong to say mean things to Pat. Now a rumor has spread that Pat wants to fight you after school. You are scared and don't want to fight. The teacher suggested mediation, and you agreed to try it.

✕

Pat

During a fire drill, when everyone was hurrying down the stairs, Max, another student in your class, knocked into you. You fell and hurt your leg, and everyone laughed at you.

To make matters worse, at some point Max called you a "stupid klutz." You said you'd get Max later (meaning that you would make Max look foolish too—not that you would hurt Max). The teacher came along, quieted everyone, and herded the class outside for the fire drill.

Your leg is okay now, but you are still embarrassed, and your feelings are hurt. You think Max really owes you an apology. The teacher suggested mediation, and you agreed to try it.

Field-Tripped

Mediator

There are rumors that two students, Andi and Randi, are going to get into a fight soon. Andi asked for a mediation and Randi agreed.

✕

Andi

You were on a walking field trip with your class, just goofing around, and accidentally tripped Randi. It looked really funny when Randi fell, so you laughed, and so did everyone else.

Randi has a terrible temper. You heard from another student, Jana, that Randi is planning to "accidentally" smash your face in the dirt the next time a chance comes up . . . at break, or in P.E., or whenever. This really worries you, because Randi can be mean.

You feel badly about the fall and about laughing at Randi. You ask for a mediation.

✕

Randi

You were on a walking field trip with your class, when Andi tripped you. You fell on the street, hurt your arm and hit your chin on the ground, really hard.

Andi and everyone else in class laughed at you. You were totally embarrassed and really angry!!!

Later on, you told another student, Jana, that you felt like smashing Andi's face in the dirt. You are not really planning to do that, but you do want the "accidental" injuries to stop, and you would like a genuine apology. Andi asked for a mediation and you agreed.

Water Fountain

Mediator

Two students, Jesse and Jackie, got into a conflict at the water fountain after recess. They seemed very upset, and the teacher suggested that peer mediators offer to help.

✂

Jackie

There was a long line of kids at the water fountain after recess. You were near the front. The person in front of you let Jesse in line. You got mad, moved Jesse out of line, and threatened to tell the teacher. Jesse called you a "tattle tale" and "baby" and pushed you.

You were really really thirsty because you just finished running the track. You waited patiently at the very end of the line, even though you had a friend at the front who would have let you in.

Both you and Jesse are good students who were tired and thirsty. It's late in the day. Peer mediators offered to help, and you said okay.

✂

Jesse

There was a long line of kids at the water fountain after recess. You were really thirsty because it's a hot day. You got in line, but then decided to go to the bathroom before getting a drink, so that you wouldn't be late to class. You asked your friend PJ to save your place in line.

When you came back to line in the spot that PJ saved, Jackie had a fit, pushed you, and said s/he was going to tell the teacher. You called Jackie a "tattle tale" and "baby" and pushed Jackie back.

You have been late for class several times and didn't want to get in trouble by being late again.

Both you and Jackie are good students who were tired and thirsty. It's late in the day. The teacher suggested that peer mediators offer to help, and you said okay.

Stopped-Watch

Mediator

Two students, Bobbie and Marti, were arguing on the playground. The teacher asked them to calm down, which they did, temporarily. When they got back to class they started arguing again and calling each other names. They are usually good friends. They both seem upset.

✂

Bobbie

Last week, you and your good friend, Marti, decided to buy a NEATO brand pencil sharpener/stop-watch combination. You put \$1.50 towards the NEATO, and you really liked using it. At first you and Marti shared it fairly, but for the last two days, Marti wouldn't let you use it.

Today on the playground, you asked Marti for the NEATO. When Marti hesitated, you got upset and started arguing with Marti. When the teacher asked you to calm down, Marti reluctantly handed the NEATO to you. On the way into the building, you noticed the stop-watch was broken. This upset you, and when you got back to class, you accused Marti of being a big cheater.

You were really upset because the sharpener/watch was broken, and Marti had not told you. Even though it was a cheap watch, it looked cool, and you felt cheated for not having full use of it.

✂

Marti

Last week, you and your good friend Bobbie bought a NEATO brand pencil sharpener/stop-watch combination. You paid \$2.00, and Bobbie paid in \$1.50. You were sharing it fairly, until recently. Two days ago, you were wearing the NEATO when you fell, and the stop-watch part broke. Since then, you have been keeping it away from Bobbie because you were afraid Bobbie would get really mad about it.

Today on the playground, Bobbie got upset when you wouldn't give the NEATO back. You weren't sure what to do. The teacher told you and Bobbie to calm down. You finally gave the NEATO to Bobbie. There was not enough time before going back inside to explain what had happened. In the classroom, Bobbie got angry, called you a cheat, and you got upset.

You feel badly about the broken stop-watch, but it was pretty poorly made, and it broke as a result of an accident. The pencil sharpener part still works, and it still looks cool. It really hurt your feelings for Bobbie to call you a cheat in front of everyone.

Mask

Mediator

Rae and Drew are in the same class. Rae worked hard to make a mask. While it was drying, Drew picked it up and broke it. The two students started yelling at each other and were referred for mediation.

✂

Rae

You had just finished making a really cool mask. While it was drying on the table, your friend, Drew, went to look at the mask. Drew picked it up, and you yelled at Drew to put it down. As you were trying to get Drew to put the mask down, it dropped and broke. You're really upset about the mask, since you worked very hard to make it and liked it a lot. Even though you are friends with Drew, you yelled at Drew and said it was all Drew's fault that the mask broke.

✂

Drew

Your friend, Rae, made a really cool mask. You liked it a lot and went to look at it. When you picked it up, Rae started yelling at you to put it down and tried to make you put it down. The mask dropped and broke. You didn't realize that the mask wasn't dry when you picked it up. It really hurt your feelings when your friend, Rae, yelled at you and said it was all your fault that the mask broke. You are sorry the mask broke, but think it was partly Rae's fault.

Bike Madness

Mediator

Billie and Jody, two 4th graders, are yelling at each other in front of school in the morning. Peer mediators offer to help.

✕

Billie

You loaned your bike to your friend, Jody, yesterday after school. Jody promised to return it last night so you could ride to school today. This morning you found the bike by your back door, with a very flat tire. You couldn't ride to school and had to walk instead. You were almost late, and by the time you got to school you were so mad that you yelled at Jody as soon as you saw him/her. You called Jody an "irresponsible pig" and said some things you probably shouldn't have said.

The tire did have a slow leak, but you had been able to ride it and keep air in it. Jody knew about the leak and should have put air in it. You don't own a pump and will have to walk one-half mile to a gas station to fill it up. You and Jody are 4th graders.

✕

Jody

You borrowed your friend, Billie's, bike after school yesterday. You returned the bike to Billie's back door, just as you promised. When you returned the bike, the tire was low on air, but it still had some air in it. The air must have leaked out completely overnight, because this morning it was flat, and Billie had to walk to school instead of ride the bike.

When you saw Billie this morning, you went up to say "Hi," and Billie started yelling at you, calling you an "irresponsible pig." You felt unjustly attacked and yelled back at Billie to try to get Billie to hear that whatever s/he was mad about, it wasn't your fault. You and Billie are 4th graders.

Play Ball

Mediator

Two students, Jamie and Sandy, are fighting with each other. They are usually good friends. Neither seems to be hurt. You notice that one of them is holding a baseball glove. The other is demanding the glove back. The teacher suggests mediation.

✂

Jamie

You and your next door neighbor, Sandy, came across a baseball glove in the school parking lot about three weeks ago. You have not had a chance to use the glove much. You both agreed to share the glove, but it seems like Sandy always has it. You haven't been able to take the glove home once since it was found. This is really frustrating to you.

Today you and Sandy were playing ball with other kids during recess. You were the last one to use the glove, so you kept it. When Sandy tried to take it from you, you and Sandy got into an argument.

You are good friends with Sandy, but you feel like Sandy takes advantage of you. You were mad about the way Sandy grabbed the glove from you today. It reminded you of your older brother who is always taking your stuff. The teacher suggested peer mediation, and you agreed to try it.

✂

Sandy

You and Jamie are next door neighbors who have been friends for a while. Together you found a baseball glove in the school parking lot. You both agreed to share the glove.

You think you can keep better track of the glove and have been taking it home with you each night. You are afraid that Jamie's older brother will take the glove and then neither of you will be able to use it. You would hate that to happen because it is the only glove you have.

Today, after recess, Jamie wouldn't give you the glove, and the two of you got into an argument when you tried to take it.

You like Jamie and want to work this out. You are angry right now because Jamie won't listen to reason. You think mediation, suggested by the teacher, might help.

That's My Seat

Mediator

You are a peer mediator. One day after school you see Jody and Robin fussing over the bus seat behind the driver. They are calling each other names and look like they are going to fight.

✂

Jody

You are a 5th grader. You are the first student picked up each morning by the bus driver. Your classroom is closest to the buses, so you get to the bus early each afternoon. You always like to sit behind the driver and figure that it is your seat. You get carsick in the back.

This afternoon, you were later than usual in getting on the bus, and Robin (a 4th grader) was sitting in your seat. You asked Robin to move. When Robin refused, you said s/he better move or you'd make him/her move, and you called Robin a "hog". Robin called you a "selfish pig".

You are really upset and mad, and your mom would be really mad if you got in trouble on the bus again. So when a peer mediator offered to help, you thought it might be a good idea.

✂

Robin

You are a 4th grader. You really like cars, trucks, buses. You have tried to get to the seat behind the driver every afternoon to watch him shift gears, but Jody (a 5th grader) always beats you there. You are the sixth person to be picked up in the morning, so you don't usually have a chance for that seat in the morning.

Today you were on the bus before Jody and got your favorite seat. When Jody got on the bus and told you to move, you said, "No." You told Jody to sit somewhere else. Jody called you a "hog" and tried to move you. You responded by calling Jody a "pig".

You think you deserve a turn in the front seat and want to be able to sit there some of the time. A peer mediator offered to help you and Jody talk, and you agreed to that.

Pencil Sale

Mediator

Two 4th grade students, Adrian and Dayle, have had a lot of trouble working together to plan a pencil sale to raise money for a special field trip for their class. Their friend suggested mediation.

✂

Dayle

You are on a two-person committee to plan a school-wide pencil sale, which is set for two weeks from today. Your class really needs the money from the sale for a special field trip. You promised months ago to co-plan the sale with another student, Adrian.

Your planning committee needs to decide, **soon**, what pencils to order for the sale so that the advertising committee can make posters. You want to order something flashy, but not too expensive. Once you and Adrian decide which ones to order, the teacher will buy them at a local supply store.

You heard that Adrian hates you and wishes the two of you didn't have to work together. This really hurt your feelings. Your friend on the advertising committee suggested mediation, because when she asked you about the plans, you both seemed upset and said that nothing had been done.

✂

Adrian

You are on a two-person committee to plan a school-wide pencil sale, which is set for two weeks from today. Your co-planner, Dayle, is impossible to work with!! Your class really needs the money from the sale for a special field trip, and you promised to co-plan this sale months ago.

You want to get a really interesting design for the pencils, maybe with a cool saying on them, but there may not be time for that now.

You are tired of Dayle's indecision—Dayle can't decide anything. You mentioned your frustration to a friend. It got back to Dayle, who now thinks you can't stand him/her. You feel badly about that.

Dayle's friend on the advertising committee suggested mediation, because when she asked about the plans, you and Dayle both seemed upset and said that nothing had been done. You want to try to work it out so that the sale will be a big success.

Science Project

Mediator

Two students, Morgan and Shawn, were arguing and shouting at each other while everyone else was working on their science projects. The peer mediators offered to help.

✕

Morgan

You and Shawn were assigned to work together on a science project. You want to do the project on sound waves and Shawn wants to do the project on gravity on Mars.

You want to do something easy, that you're interested in. You like to draw and want to do a cool poster. You think Shawn is teacher's pet and wants to do a hard project to show off.

During class, while everyone else was busy working on their projects, Shawn wouldn't listen to you, so you told Shawn to shut up. You ended up shouting at each other. When the peer mediators offered to help, you agreed to try mediation.

You and Shawn are both good kids who care about getting good grades, and you both enjoy science. You really want to go ahead and pick a topic so you can start on the poster.

✕

Shawn

You and Morgan were assigned to work together on a science project. You want to do the project on gravity on Mars, and Morgan wants to do it on sound waves.

You want to do something really interesting. It seems like Morgan just wants to do something quick and easy.

During class, while everyone else was busy working on their projects, Morgan told you to shut up when you were giving your ideas. You told Morgan to shut up, and you ended up shouting at each other.

The peer mediators offered to help, and you agreed to try mediation. You and Morgan are both good kids who enjoy science. You'd like to go ahead and pick a topic so you can started.

The Way We Were

Mediator

This is a dispute between two teachers, Mickey and Nicky, who share classroom space and have very different styles of teaching and tolerance for disarray. The mediator could be a co-worker, resource person or principal.

✕

Nicky

You are a teacher who shares a classroom with Mickey, another teacher. You spent all afternoon yesterday straightening and rearranging the classroom in order to improve the traffic flow, the noise problem and confusion at clean-up time. In addition to the classroom space, you cleaned out the supply closet and organized all the papers, markers, and art supplies.

When you arrived this morning, you discovered that your co-worker, Mickey, had put all the tables, chairs and books back in the old way. This is very upsetting. You were already really frustrated in working with Mickey, who is insensitive to your needs, sloppy, unprepared, and leaves a mess at the end of the day. You need orderliness. You're fed up with the situation.

✕

Mickey

You are a teacher in a shared classroom with another teacher, Nicky. Yesterday afternoon Nicky rearranged all your stuff in the classroom without asking you. You liked it the way it was, knew where to find everything, and the children knew where everything was. You were surprised to find all the tables and chairs in different places this morning and most of the books rearranged, so you put the room back the way it was.

Nicky rearranged the supply closet too, which was badly needed (the children make such a mess of things), but you would have liked to have been consulted before Nicky made major shifts. Contrary to Nicky's belief, you like structure in your life, but you also think creativity and improvisation are essential.

Middle and High School

Clothes Encounter

Mediator

Troy and Sammie got into a shoving match and name calling session at school. You want to try to help them work out the problem themselves. You know that they are usually pretty good friends.

X

Troy

You and Sammie are pretty good friends. Last week you borrowed Sammie's starter jacket. The jacket is really nice; it's cool and new, and feels great to wear. You intended to return it, but hadn't yet done so. You wanted to wear it to school one more day, and then you were going to give it back right after school.

When you saw Sammie today, s/he was joking and called you a thief. Sammie tried to take the jacket off of you, and you resisted. You didn't want Sammie to just jerk it off you. You told Sammie to take his/her hands off you or you'd never give it back. Sammie started yelling and pulling at the jacket and it ripped. You think it's Sammie's fault and don't appreciate being made a public spectacle.

You feel a little bad about the rip and about not returning the jacket, but don't like the way Sammie went about getting it back.

X

Sammie

About ten days ago you loaned your friend, Troy, your starter jacket (a cool, *new* athletic jacket that a lot of kids are wearing). The jacket is brand new, and you want to wear it. Troy promised to return it soon. You were tired of asking for it back.

Today when you saw Troy, you jokingly called him/her a thief. When you jokingly tried to take the jacket back, Troy got really mad and called you a jerk and threatened to keep the jacket forever if you didn't take your hands off it. You got mad and said you wanted it right now. Troy was yelling at you. You grabbed the jacket off Troy, and it ripped.

You think it's Troy's fault, and Troy shouldn't have kept it so long. You are friends with Troy but don't appreciate being treated so rudely and don't want to get walked on.

Dope Head

Mediator

Billie and Robin, two students, were referred to mediation by the Principal after a classroom conflict escalated into a shouting match. You think it's based on rumors.

✂

Billie

You were joking around in class when you said something about Robin doing drugs and about Robin's clothes. Everyone knows you always clown around. You didn't mean to hurt Robin's feelings. When Robin overreacted and told you to shut up, you yelled back.

You don't know why Robin got so mad. You don't know Robin very well, but it looks to you like s/he uses drugs based on Robin's clothes, and you have heard that Robin smokes pot.

You think the teacher didn't hear your wisecrack about Robin. You didn't even think before you said it; it just popped out. You don't have anything against Robin.

You would like to straighten this out, but you do think it's a little silly. You even crack a couple of jokes in mediation to break the ice and help calm the atmosphere.

✂

Robin

You're very angry with Billie. You and your friends were talking during class about a bunch of things. Billie was talking with her/his own friends. The topic of drug use came up in your group. Billie heard what was being talked about and said, "Everyone knows that Robin is a dope head . . . look how s/he dresses. That's a sure sign of drug use!"

Everyone heard what Billie said, including your history teacher, who was at his desk. You were embarrassed and told Billie to shut up. When you and Billie got into a cursing match, you were both sent to the principal, who recommended mediation.

Your feelings were hurt when Billie accused you of drug use in front of everyone. *You do not use drugs* and are upset that your history teacher now thinks you do. You had asked that teacher to write a letter recommending you for a college scholarship.

Also, you were hurt by the comment about your clothes. You dress casually, but always neatly, and your clothes are clean.

You want an apology, and you don't want any comments like that made about you again. You want him/her to go to the history teacher and tell him that you don't do drugs.

Locker Trouble

Mediator

Stacy and Nicky, two students, got into a conflict in the hall by their lockers. A teacher asked two mediators to help them talk it out together.

✕

Stacy

Your friend, Nicky, borrowed a book from your locker yesterday, without permission. When you found out the book was gone, you dumped some books from Nicky's locker on the floor, because you are really tired of Nicky taking your stuff without asking.

Nicky saw the books on the floor, got really upset, and was about to get even by dumping your lunch on the floor when the teacher asked two mediators to help.

You and Nicky are good friends, but you're tired of having your stuff missing when you need it!

✕

Nicky

You and Stacy are good friends. You were in a hurry yesterday—you had to be at soccer practice soon—and needed a book to do your homework.

You borrowed Stacy's book when you couldn't find your own, which you had done before. You didn't think it would be a problem, and you couldn't find Stacy to ask if it was okay.

Today, when you got to school, you found your books on the floor by your locker and heard that Stacy had dumped them. This really upset you, and you were about to dump Stacy's lunch on the floor when the teacher asked two mediators to help.

Beer Can Blues

Mediator

Lane and Chris were both suspended from school for fighting. They were directed to go to mediation by the assistant principal. Listen first to Lane.

✕

Lane

You and Chris have known each other for three years. You are good friends and you hang out together often. Last Friday night you and Chris went to a party. You drove your dad's car. When you picked Chris up you noticed that s/he had a six-pack of beer with him/her. You told Chris not to drink in your dad's car.

Saturday morning, your dad woke you up at 7:00; he was furious. In his hand was an empty beer can he said he found on the floor of the car. He immediately put you on a two week restriction. He did not believe you when you told him that it wasn't your beer.

When you saw Chris at your locker, you pushed Chris out of the way and were so mad that you called Chris some pretty bad names. You and Chris both got suspended from school for fighting.

You are really mad and upset because you told Chris not to drink in the car. Now your dad doesn't trust you, you're on restriction, and you can't trust Chris—you feel like you have lost a friend. The assistant principal referred you and Chris to mediation.

✕

Chris

You and Lane have been friends about three years. You had no idea why Lane came up to you today and started fighting with you in the hall. Lane shoved you up against the lockers and started calling you names. When Lane explains why s/he is angry, you can see that s/he has good reason.

Last Friday night you went to a party in Lane's car. You left the party for a while with a friend. The two of you went to Lane's car to drink the beer that you brought, even though Lane asked you not to drink in the car. You thought you had cleaned all of the cans out of the car, but maybe one can dropped in the back seat and you didn't see it. You accept responsibility for the beer can in the car.

You are upset that Lane didn't call you to talk about the problem. You are more than willing to try to work this out, but, regardless of what happened last Friday night, Lane had no right to shove you and call you some pretty bad names in school. Now both of you are suspended for fighting. The assistant principal referred you to mediation. The friendship is important to you so you will try hard to work things out.

Computer Visualization

Mediator

Two students who were both in the Computer Lab got into a conflict and were referred to mediation by the Computer Lab teacher.

✂

Frankie

You were using the computer to work on a short story for creative writing class that is due tomorrow. You were signed up for the computer and were taking a "creative inspiration" break to close your eyes and visualize the story.

You are not a very fast typist and needed ten minutes to think and 30 minutes to type. You just started at the computer and were signed up for an hour.

Another student, Johnnie, came over to you, rudely interrupted you, pushed you and told you to leave. Johnnie called you some names (lazy hippie, dumb pig), and you returned the favors. It got loud, and the teacher sent you both out of the Computer Lab until you resolved the conflict and apologized to the teacher. You're upset about the name calling and shoving that wasted the time you had reserved the computer.

✂

Johnnie

You were in a *panic* to use the computer to type up an essay for a very important contest in the local newspaper. You are a very fast typist and only needed 10 minutes at the computer, because you had handwritten the whole essay at home.

You were absent yesterday when you were signed up to use the computer and thought you could use one today, especially because the essay is due at 4:00 p.m. this afternoon. All the computers were being used. You spotted Frankie *asleep* at a computer.

You went over and loudly roused Frankie and asked Frankie to move out of the way. You and Frankie got into a shoving match. It got very loud, Frankie called you some names (stupid jock, inconsiderate slob), and you said some things in return. The teacher sent you both out of the computer lab until you got the conflict resolved and apologized to the teacher. You're upset about the name calling and computer hogging.

Attitude

Mediator

Two students, Toby and Andi, were fighting before school in the parking lot. The assistant principal referred them to mediation.

✂

Toby

You and Andi have known each other since elementary school and at times have been friends. Andi has been trying to pick a fight with you for awhile. This morning you lost your temper and shoved Andi away. Andi pushed you back, and everyone started egging you on to fight.

Before the fight got going, the assistant principal came up, separated you, and sent you both to mediation. You can't afford to get suspended again, because your parent will be really mad and ground you.

✂

Andi

You and Toby have known each other since elementary school and, at times, have been friends. You were playing around with Toby this morning in the parking lot, picking at him/her. Toby started getting an attitude with you and shoved you.

Everyone started yelling and egging you on, so you pushed Toby back. The assistant principal came up before the fight really got going and sent you and Toby to mediation.

You didn't mean to start a fight; you were just joking with Toby, and it turned too serious. You have been trying to stay out of trouble, and really don't want to have this turn into a big deal, but you didn't want to look bad in front of other kids. You wish you hadn't lost your cool by reacting aggressively.

Bus Stop

Mediator

This is a dispute between two siblings who were yelling and pushing each other at the bus stop this morning. The bus driver referred them to mediation.

✕

Blair (Younger Sibling)

You were in a hurry this morning and couldn't find anything to wear, so you "borrowed" your older sibling, Cisco's, t-shirt and jeans and rushed out to the bus stop.

Cisco came to the bus stop and started yelling at you, in public, for taking his/her stuff and then pushed you.

You don't have a job or access to money like Cisco does. You want to look nice for school and not wear dumb clothes. You were completely embarrassed when Cisco yelled at you in front of everyone. You always take good care of Cisco's stuff and return it clean—sometimes in better condition than you find it.

✕

Cisco (Older Sibling)

You were in a hurry this morning, got out of the shower, threw some clothes on, and went out to the bus stop. At the bus stop, you saw your younger sibling, Blair, wearing your new t-shirt and jeans. You lost it and started yelling and then pushed Blair.

You have a part-time afternoon job, and you like to buy cool clothes. You hate it when Blair takes your clothes without asking or snoops around in your room.

You don't mind loaning some clothes once in a while, but not brand new ones. You don't want to live in a house where you always have to lock your door to know that your stuff is private.

Rumors

Mediator

Ann and Ben recently broke up as boy / girlfriend. Ann asked for mediation because she heard that Ben was spreading rumors about her.

✂

Ann

You and Ben recently broke up as girl / boyfriend. Your friends, Cassi and Sue, told you details about the relationship that weren't true. You accused Ben of talking with Sue and Cassi and then got into an argument with Ben.

You asked for mediation because you are really upset about him spreading rumors. You thought he would keep things quiet, like the two of you had agreed.

✂

Ben

You and Ann recently broke up as boy / girlfriend and agreed to keep the details of your breakup to yourselves. Yesterday Ann accused you of telling lies about her and started yelling at you. She didn't give you a chance to tell her what happened. You got angry and yelled back.

You agreed to mediation to try to set things straight, even though you're still pretty mad at Ann. You want to tell Ann that although you were talking to her friends, Sue and Cassi, you didn't tell them anything about your relationship with Ann, and they got mad and walked away.

Breaking Up Is Hard To Do

Mediator

Alan and Bonita were going together until recently, when they split up. Alan wants to mediate because Bonita still has a gold chain of his.

✕

Alan

You and Bonita were going together all last year. Recently Bonita decided that she wanted to go out with other people and felt that the two of you shouldn't be so serious about each other. You were happy with the relationship, although you were seeing your old girlfriend now and then on the sly. You think Bonita must be seeing someone else too, but it's different with your old girlfriend—you're just friends.

You were upset about splitting up with Bonita, but since you are splitting up, you want your gold chain back that you gave her.

You and Bonita had planned to go to a concert together this Saturday night. You had each paid \$25 for tickets, reserved seating. The concert is sold out, and you really want to go, but you are not sure you'd feel comfortable sitting next to Bonita. You are holding the tickets and want to keep them.

You and Bonita have been avoiding each other and haven't been able to talk. Both of you agreed to mediate.

✕

Bonita

You and Alan were going together all last year. A few months ago Alan gave you a gold chain necklace. Since then he has gotten possessive of you and gets jealous when you talk to other guys or go out with your girlfriends.

Alan seemed happy with the relationship, although he wanted to be in control, and you heard that he was seeing his old girlfriend on the sly. You didn't think it was fair of him to be jealous of you while he was the one who was sneaking around.

Since you and Alan started going steady, you haven't gotten along that well, so you wanted to end the relationship. You didn't know how to do that, so you suggested you both go out with other people. That made Alan mad, and you haven't spoken since.

You and Alan bought tickets together (at \$25 each) to a concert that's this Saturday night. It is reserved seats and is sold out. You really want to go, but now you wouldn't feel comfortable sitting next to Alan. He has the tickets now.

What Goes Around Comes Around

Mediator

Ron and Nancy had been good friends for several years. After Nancy and her boyfriend broke up, she and Ron dated a few times. A few weeks after their last date, Nancy borrowed some money from Ron and hasn't paid it back, and she has been unfriendly toward Ron. He came to mediation to see about getting the money back.

✕

Nancy

You and Ron had been good friends for several years, and after you and your boyfriend broke up, you and Ron started dating. A few weeks after your last date, you borrowed some money from Ron and have not returned it.

You are very angry with Ron. You are pretty sure he gave you a sexually transmitted disease (STD) and now you feel quite ashamed. Sure, you borrowed some money from him (\$45), but you used it to see a doctor and buy medication.

You have not spoken to Ron because you feel he is responsible for your current medical situation. You like him, but you figure he is too willing to fool around with other girls.

You think Ron should have told you he had an STD. You are pretty sure that you did not have it before you went out with him. You haven't told him about your predicament. You think he should take more precautions when having sex. And if he and you are to date, he should not be seeing other women.

✕

Ron

You and Nancy had been good friends for several years, and after she and her boyfriend broke up, you and she started dating. A few weeks after your last date, she borrowed \$45 from you and has not returned it. You have been dating other people; you had no agreement with Nancy not to do that.

You brought this to mediation because you want your money back, and also, you would like to see Nancy again. Now she won't even talk to you.

Another thing is, you have noticed a burning sensation when you urinate, but are afraid to tell anyone because rumors spread like crazy. You are worried. That wasn't happening to you before you started seeing Nancy.

You want your money back, and you want to still be friends with Nancy. It really hurt your feelings for her to ignore you.

All Keyed Up

Mediator

Austin and Dana were yelling at each other in the hall, and a teacher referred them to mediation. Austin and Dana are good students who used to be best friends.

(Austin and Dana can be two guys or two girls. Chris is the opposite sex from Austin and Dana.)

✕

Austin

You had been going with Chris for a couple of months when you found out that Chris started dating your best friend, Dana, about two weeks ago. You were very upset, jealous, and hurt, and felt betrayed by both Dana and Chris. You and Dana have been friends for years. You broke off the relationship with both Chris and Dana.

Last night, after the ball game, which Dana and Chris went to together, you were so mad that you "keyed" Dana's dad's car (scratched the paint along the side with a car key). You realize that was a stupid thing to do. Today in school Dana accused you of ruining the paint job, and you called Dana some nasty names.

You think Chris is a snake who's not worth your time anymore. You miss having Dana for a friend. A teacher who knows both you and Dana suggested mediation.

✕

Dana

You and Austin have been best friends for years, until a couple of weeks ago when Austin's friend, Chris, asked you to go to a party. You thought Austin and Chris were just friends, since they had only been seeing each other for about six weeks, but later you found out that Austin was serious about the relationship with Chris. Now you really like Chris, and think Chris would rather be going with you. You are sad about losing Austin's friendship.

Last night you went to a ball game with Chris. Austin was there, but wouldn't talk to you. After the game Austin "keyed" your Dad's car (scratched the paint along one side with a car key). This really upset you, and your Dad is going to have a fit when he finds out! When you tried to talk about it today, you got into a shouting match at school. Austin ended up calling you some nasty names in front of everyone. A teacher who knows both you and Austin suggested mediation. You need to get the car fixed, and you miss having Austin for a friend.

Cousin Ralph

Mediator

This is a dispute between two students who were pushing each other in the hall by their lockers. You know that they used to be best friends. A teacher referred them to mediation.

✕

Kerry

You used to be good friends with Kelly, but haven't been spending time together or talking on the phone together recently. Your Mom said you shouldn't hang out with Kelly because Kelly's older cousin, Ralph, is always there. Ralph grabbed you last week and pinned you against a wall and threatened you. You know that Ralph carries a knife.

Today, in the hall by the lockers, you were joking with some friends when Kelly walked by. Out of the blue Kelly threatened to "whip your butt." You pushed Kelly into the locker.

You still like Kelly, but don't want to go against your Mom's advice. Your friends said they heard that Kelly wants to fight you. You don't want to fight, but will if Kelly starts it. A teacher suggested mediation after the problem by the lockers today.

✕

Kelly

You used to be good friends with Kerry, but haven't been spending time together or talking on the phone together recently. You don't know why Kerry is avoiding you. You think maybe it's because your cousin, Ralph, was mean to Kerry and threatened Kerry last week.

You'd like to still be friends, but lately Kerry has been acting like he/she is better than you. Your friends said they heard that Kerry wants to fight you. You don't want to fight Kerry, but will if Kerry starts it.

Today, in the hall by the lockers, Kerry was talking to some friends and laughed at you when you walked by. You made a mean comment and threatened to "whip Kerry's butt." Kerry pushed you into the locker; a teacher came and stopped you and referred you to mediation.

Illinois vs. Drama

Mediator

This conflict is between a teacher, M. Richardson, and a student, Zenith, regarding consequences imposed for failing to turn in a big project.

✕

M. Richardson (Teacher)

You are frustrated because a student, Zenith, who has been a great student this year, failed to turn in his/her biggest project of the year, an in-depth report on the state of Illinois.

You planned to review the projects this weekend and return them to the students on Monday of next week, which is also the day term grades are due. It is now Thursday. The projects were due Monday. You already spoke with Zenith about the project, and s/he tried to make excuses about why s/he needed more time to turn it in.

All your students were aware of the project deadline, and they know that the project represented one-third of their grade for the term. Today, when you asked Zenith about the project and said that you would have to give him/her a failing grade if s/he did not get the project in by tomorrow, Zenith stormed out of class. You requested a mediation, to try to get to the bottom of what's eating Zenith.

✕

Zenith (Student)

You have a key role in a play this weekend (Friday and Saturday). For the last two weeks you have had rehearsals every night. This is a very important performance, a public show with professional actors, and you want to do a great job. It is a stressful time for you.

Today is Thursday, and you had a big project due in teacher M. Richardson's class this past Monday, an in-depth report on the state of Illinois. You have worked hard on the project for a month already, and you are sure you can finish it on Sunday, after the performances, since you've done all the research and most of the maps.

You want to keep getting good grades in school, because you want to try to get into a special high school for actors and artists next year. You know the project is late, and you talked with Richardson about it once already. You told Richardson that you were in the play and that it was very important to you. You thought Richardson understood your explanation and had kind of agreed to accept the project a little late. When Richardson asked for mediation, you agreed—you need to get this problem taken care of soon!

Track Team

Mediator

This is a dispute between a student, Darryl, and a math teacher, M. Matthews, over a math grade. Darryl requested mediation upon the suggestion of his/her track coach.

✕

Darryl (Student)

You are a student in M. Matthews' math class, and you're shocked! M. Matthews told you earlier today that you were going to receive a failing grade in math this term.

You enjoy math, but admit you have slacked off lately, but you don't think an F is fair at all. You have done most of the homework and gotten C's on the tests. You had no idea your grade was so low. Besides, if you get an F you can't be on the track team, which you *LOVE*. You're a star track team member.

You talked about this problem with the track coach, who suggested mediation.

✕

M. Matthews (Teacher)

You are a math teacher. Earlier today you informed Darryl, a math student of yours, that s/he is probably going to receive a failing grade in math this term. You have been concerned about Darryl for some time. Darryl got C's on the tests he took; however, one test was missed, and Darryl did not turn in any homework for the last two weeks.

It is possible that if Darryl turns in overdue homework and satisfactorily makes up the missed test, the grade can be improved significantly before report cards come out.

Darryl is a star track team member. Darryl's track coach suggested mediation. Sounds like a good idea to you. You'd like to see Darryl take an interest in math again and bring up the grade.

First Period Science

Mediators

This involves a dispute about a student's grade on the last report card. The conflict is between a new science teacher, M. Jones, and a student, Shawn, and was referred by the Vice Principal. Mediators are an adult mediator and student mediator.

✕

M. Jones (Teacher)

You are a new teacher, fresh out of college. Shawn, a student, complained to the Vice Principal about the science grade you gave him/her on the last report card. Mediation was suggested.

Shawn is often late to your first period science class (8 times last term). While Shawn turned in required homework and did well on tests (had a solid B average), you thought it was important to be fair in applying the rules, and felt you must give Shawn an F due to all the tardies.

Once you hear from Shawn, you are willing to make some adjustments, if Shawn has a great excuse and makes up all the time missed from class.

✕

Shawn (Student)

You do good work in science class and have a high B average. You turned in all your homework, so you were really surprised when you got an F in science on your last report card. You think that is really unfair.

You were often late to the first period science class. The reason for this is one that embarrasses you, and you have not told anyone about it. Your Mom is an alcoholic and is usually hung over in the morning. Your Dad doesn't live with you. You are the only one at home to get your younger brother ready for school and on the bus for first grade. You are reluctant to say this in mediation, but you do.

You want to do well in school, to go to college and have a better life for yourself. You would like to get your grade changed and think that your science teacher, M. Jones, was way too strict. When you complained about your grade to the Vice Principal, she suggested you meet with Jones in mediation.

Generation Gap

Mediator

When Sandy, Lee's parent, put Lee on restriction due to poor grades, Lee asked for mediation, and Sandy reluctantly agreed.

✕

Sandy (Parent)

You are a single parent who wants what's best for your two children. When your high schooler Lee's, grades dropped you figured it was because Lee was spending too much time with a new boy/girl friend, Marty. You set up a curfew—8:30 p.m. on weeknights and 11:00 p.m. on weekends. You want Lee to get a clear message that grades are important, as you hope Lee can get a scholarship to college.

Marty seems like a nice kid with good values, but the relationship makes you nervous. After all, you never got to realize your dreams because you fell in love in high school, and Lee was on the way before you got to college. You are worried that Lee will end up in the same predicament.

You also want the family to do more things together, but with Lee gone all the time, that's impossible. You haven't invited Marty on family outings because you thought Lee would interpret it as meddling. If Lee would spend less time with Marty, things would be fine. You reluctantly agreed to mediate because you and Lee are getting along so poorly at home, but you're embarrassed about discussing family issues in public.

✕

Lee

You are a junior in high school, a responsible kid and a good student. When your grades dropped from an A to B average in the last grading term, your parent, Sandy, slapped on a ridiculous curfew—8:30 p.m. on weeknights and 11:00 p.m. on weekends.

One reason your grades dropped was that you have been spending a lot of time with your boy/girl friend, Marty. You and Marty have been dating for 3 months, and you really enjoy Marty's company. In fact, the two of you do homework together, and with Marty's help, you pulled up your math grade up to an A from a B. You don't understand why your parent, Sandy, is so concerned about the two grades that went down from A's to B's. You think it will be easy to bring those grades up.

Marty is important to you. The two of you are best friends—you can talk about anything with Marty, and s/he understands you. You'd like to bring Marty around more often but it seems like Sandy wouldn't like that. You're upset that your parent doesn't trust you with Marty and blames Marty for your lowered grades.

You want the curfew changed to a respectable one—you feel like a baby having to be in by 8:30 p.m., and you want to continue having some free time with Marty. You requested mediation.

Generation Gap (Option)

Mediator

When Sandy, Lee's parent, put Lee on restriction, Lee asked for your help in talking with her parent.

✂

Sandy (Parent)

You are a single parent who wants what's best and morally right for your two children. You never got to realize your dreams because you fell in love in high school and were pregnant with Lee before you got to college. Now you are active in the church and want your daughters to have opportunities you never did.

You recently found a note to your 16-year-old daughter, Lee, from her boyfriend, Marty. You saw the note in Lee's room when you were putting away her clean socks. You were shocked and dismayed by the note, which clearly indicates that Lee and Marty have had unprotected sex together. You were so upset that you confronted Lee with the note and immediately put her on restriction—no dating on weeknights and home by 10 p.m. on weekends.

Marty is a nice kid, but the relationship makes you nervous, and now you realize how irresponsibly Lee and Marty are behaving. You know that you shouldn't prohibit Lee from seeing Marty altogether, and you realize that you can't stop Lee from having sex. You're very concerned that Lee might be pregnant, that she will be exposed to sexually transmitted diseases, and that she could ruin her life if she doesn't behave more responsibly.

You reluctantly agreed to mediate because you and Lee are not talking with each other at all now, but you're embarrassed about discussing family issues in front of others.

✂

Lee

You are a senior in high school, age 16, a responsible kid and a good student. You and your boyfriend, Marty, do homework together, go out on weekends, enjoy each other's company, and have a great relationship.

Your parent, Sandy, recently found a note Marty had written you. In the note Marty was pretty explicit about the time you had sex together. You feel violated that Sandy went through your personal stuff (the note was in the back of your underwear drawer). You're also worried because your period is two days late and you didn't use birth control with Marty. You're confused about what to do.

Sandy confronted you with the note and put you on restriction that is totally unfair—no dating on weeknights and home by 10 p.m. on weekends. You and Sandy have not spoken since the confrontation. You are upset about the curfew and the privacy issue and embarrassed about talking with your parent about sex.

You asked an adult you trusted to help you talk with Sandy about the problems, because it's really unpleasant at home right now.

Academically Gifted

Mediator

Parent, M. Crabtree, is upset about just finding out that her child, Jon, may fail math. Teacher, M. Cannon, asked the vice principal or department chair to mediate a meeting with Crabtree.

✕

M. Cannon (Teacher)

A student in your class, Jon, has not turned in any math work for the last three weeks. Jon was doing great at first, but lately he hasn't been trying, nor has he asked for help. You sent a note home two weeks ago, but it made no difference. Jon is ordinarily a good student in the Academically Gifted program, but he can be slack, and he must learn to turn in homework.

It is near the end of the grading period, and you just called Jon's parent, M. Crabtree, to let him/her know that Jon will probably get a D in math this term. Crabtree was very upset and angry on the phone. You suggested a meeting this afternoon.

Since Crabtree was so volatile on the phone, you asked the vice principal or department chair to sit in on this afternoon's meeting with Crabtree, to help mediate.

✕

M. Crabtree (Jon's Parent)

You are shocked! You had no indication that your son, Jon, was in academic trouble until today when Jon's math teacher, M. Cannon, called you at work to inform you that Jon was failing math. Jon always made good grades, and you figured he would do the same this term.

Since you and your spouse split up recently, you have been preoccupied with the separation and have not been as involved in Jon's supervision. With all this stress, you lost it when Cannon called you today, and you got very angry at Cannon, almost threatening.

This morning you also discovered a note in Jon's backpack from his science teacher regarding science homework that was overdue. If Jon fails science and math, he could be kicked out of the Academically Gifted program, and that would affect his chances of getting into a good college, which would be terrible.

Your main concern is that you didn't know about this sooner and you want Cannon to give him a chance to make up work that is below par. You agreed to meet with Cannon this afternoon.

Civil War

Mediator

This is a conflict between a parent, Leigh Sr., and a teacher, M. Grant, regarding Leigh Jr.'s grade on a big history project. The principal referred them to mediation.

✕

Leigh Sr. (Parent)

You're very upset because your child, Leigh Jr., received a C on a history project on the Civil War that you thought deserved a better grade. Leigh Jr. spent a *lot* of time on the project, did *extensive* research, and wrote a good report. You think the teacher, M. Grant, didn't give clear instructions regarding requirements and expectations. You had asked Leigh Jr. about the requirements, and the response was vague.

Since the project counts for 75% of the grade on the report card, you're concerned that the C will ruin Leigh Jr.'s chance for the Honor Roll and crush Leigh Jr.'s ego.

You asked for a conference with the principal because of your dissatisfaction with the grade. The principal suggested you and M. Grant try mediation. You're willing to give it a try.

✕

M. Grant (Teacher)

You assigned your students a history project on the Civil War. You told the students that the project had 4 equally important parts: research, written report, oral presentation, and visual display.

Leigh Jr. did a great job on the written report and oral presentation, but did a sloppy visual display and did not turn in note cards showing the research component. You graded the project a C, which counts 75% of the grade on the next report card. You know Leigh Jr. is capable of better work.

Leigh Jr.'s parent, Leigh Sr., complained about the grade to the principal who suggested mediation. You are willing to try to work with Leigh Sr. because you realize you should have given the students a written list of expectations, and because you believe Leigh Jr. can do better quality work.

Self Defense

Mediator

This is a dispute between parent(s) of Rusty Green and Coach Hall regarding Rusty's suspension from school for fighting during Phys. Ed. class. The dispute was referred to mediation by the vice principal.

X

M. Green (Rusty's Parent)

You are very upset about your child Rusty's suspension from school. Rusty and another student, Juan, had an argument. Juan swung at Rusty, so Rusty defended himself by swinging back. Both students were suspended for ten days, on Coach Hall's recommendation.

You always told Rusty to defend himself and not take flak from other kids and don't think it's fair to suspend him. You think it is real important for Rusty to do well in school.

When you complained about the punishment, the vice principal suggested you mediate with Coach Hall to discuss the matter.

X

Coach Hall

Two students, Juan and Rusty, were fighting in your Phys. Ed. class. You are pretty sure that Juan started the fight, but Rusty was definitely participating in it, so you suggested both students be suspended for 10 days, as per school policy.

Rusty's parent, M. Green, has come in to talk about it with you. Rusty has been aggressive several other times, but has not been suspended. His parents might not be aware of the other incidents.

The policy about suspending both children, even if one clearly started the fight, is enforced for several reasons:

- 1 - fairness (applying the rules justly)
- 2 - deter fighting on campus
- 3 - allow a cooling off period for both fighters.

The vice principal suggested that you mediate with Rusty's parent(s), and you agreed. You would like Rusty's parent(s) to support the school's efforts to reduce violence on campus.

The Way We Were

Mediator

This is a dispute between two teachers, Mickey and Nicky, who share classroom space and have very different styles of teaching and tolerance for disarray. The mediator could be a co-worker, resource person, or principal.

✕

Nicky

You are a teacher who shares a classroom with Mickey, another teacher. You spent all afternoon yesterday straightening and rearranging the classroom in order to improve the traffic flow, the noise problem, and confusion at clean-up time. In addition to the classroom space, you cleaned out the supply closet and organized all the papers, markers, and art supplies.

When you arrived this morning, you discovered that your co-worker, Mickey, had put all the tables, chairs, and books back in the old way. This is very upsetting. You were already really frustrated in working with Mickey, who is insensitive to your needs, sloppy, unprepared, and leaves a mess at the end of the day. You need orderliness. You're fed up with the situation.

✕

Mickey

You are a teacher in a shared classroom with another teacher, Nicky. Yesterday afternoon Nicky rearranged all your stuff in the classroom without asking you. You liked it the way it was, knew where to find everything, and the children knew where everything was. You were surprised to find all the tables and chairs in different places this morning and most of the books rearranged, so you put the room back the way it was.

Nicky rearranged the supply closet too, which was badly needed (the children make such a mess of things), but you would have liked to have been consulted before Nicky made major shifts. Contrary to Nicky's belief, you like structure in your life, but you also think creativity and improvisation are essential.

Teacher Styles

Mediator

Two social studies teachers, Anderson and Burke, have classrooms right next to each other. They were referred to mediation by the head of the department.

✂

Anderson

You have been teaching social studies for 19 years, and feel confident about your teaching ability. You know how to keep order in your classroom, and think that self-discipline is an important part of the education process.

The teacher next door, Burke, is new. Burke's class is completely disorganized. The students cut up and carry on, and they make so much noise that it disrupts your class. You can't even be heard by your own students sometimes.

You complained about the disruption to the department head, who passed the buck and referred the matter to mediation. You're willing to try mediation, but are not too hopeful.

✂

Burke

You are a new social studies teacher at this school, but you successfully taught social studies through cooperative learning style at another school for five years. You love to teach creatively, using activities that involve all the students. They learn lessons they'll never forget, and enjoy the learning process.

Anderson, the teacher in the classroom next door, seems to be an old fogey. Anderson's classes are so dry and formal. They seem boring. You always hated that as a student. You strive to make your lessons interesting and engaging.

You have felt Anderson's hostility toward you, but you haven't known why. You thought s/he just didn't like new people, so you left him/her alone. The department head recently suggested that you and Anderson meet in mediation, and you were quite willing to do so. You'd like to be on friendlier terms with Anderson.

College and University

Roommates

Mediator

Two student roommates were referred to mediation by the resident director after one of them requested that the other be transferred to a different room.

✂

Erin

You and Cam are roommates. You want to change roommates because you are annoyed by Cam's sloppiness (leaves clothes strewn around, dirty dishes on the dresser, and old pizza boxes on the floor) and late schedule (Cam studies late at night, when you need to be sleeping because you have early classes). You would like to have a friend of yours replace Cam, but Cam doesn't want to move.

You and Cam used to be good friends and had a lot of fun together. You haven't been able to talk much with Cam about this because it makes you feel uneasy, but you did have one conversation about cleanliness and agreed to divide the chores. Cam did not keep up with the bargain.

You are distraught over the situation and distracted from studying. You talked with the resident director, who suggested mediation, and you agreed to try it.

✂

Cam

You and Erin used to be good friends, but since you've been roommates you have gone in separate directions. Recently Erin suggested that you move out and another friend take your place. You felt hurt and rejected, but you don't want to stay where you're not wanted.

You think this might be related to a conversation with Erin about a month ago. Erin talked about keeping the place cleaner. You admit you've been slack about that, but you didn't realize it was so important, and you think Erin is *too* fixated on cleanliness.

You and Erin have different schedules—Erin is a morning person, and you get your best work done late at night. You would like to be able to work this out with Erin, because you used to have a lot of fun together. The resident director suggested mediation, and you agreed to try it.

School Daze

Mediator

Carson and August are college roommates. Carson requested a transfer due to inability to get along with August. Carson made reference to August's drinking problem. The transfer request was denied, and the matter was referred to mediation.

✕

Carson

You and August are dormitory roommates who have very different patterns of living. You have found it increasingly more difficult to get along with August. The relationship is interfering with your emotional well being, and you're afraid your grades will suffer. On the advice of your dad, you requested a room transfer.

August watches TV until very late every night. It's impossible to have friends visit in your room because the TV is so distracting. August sleeps late in the morning, a time when you like to get up early, listen to the radio, clean up, eat breakfast in the room, and enjoy the morning before going to early classes. August is a big grump in the morning and doesn't like you to open the blinds or turn on the light. You think that if August didn't drink beer at night s/he'd have an easier time getting up in the morning. You don't drink much alcohol.

You understand that it is not possible to get a room transfer, so you want to make the best of the situation and try to work out a way to get along with August.

✕

August

You and Carson are dormitory roommates who have very different interests and living patterns. You like to watch TV to unwind at night, and you enjoy sleeping late in the morning. You've always been a night person, and you get your best work done late at night. Occasionally you have a beer after you've finished your homework, but it doesn't interfere with your studies. You're certainly not an alcoholic. Carson doesn't drink.

Carson gets up way too early. The noise of the radio and the light bother you in the morning, so you have asked Carson to try to be more considerate about that. Apparently Carson took offense and requested a room transfer. You like living on this floor and don't want to move. You get along well with most people, and you think that maybe mediation will help you and Carson get along better.

Concerted Effort

Mediator

Austin and Erin were great friends until recently when they had a falling out. Austin asked a mutual acquaintance to mediate because Erin still has a pair of concert tickets that they bought together. Austin wants one ticket back.

✕

Austin

You and Erin were great friends all last year. Recently Erin decided that s/he wanted to cool off the friendship and not be so seriously involved with you. You were happy with the friendship and upset about Erin's abrupt decision. You haven't been able to talk with each other about what's going on.

You and Erin each put in \$25 for a pair of tickets to a sold-out concert this Saturday night. Erin now has both tickets. The tickets are reserved seats. You really want to go to the concert, but wouldn't feel comfortable sitting next to Erin. You heard that Erin invited a mutual friend to the concert in your place. You feel very upset and sad about losing the ticket you paid for, losing your friendship with Erin, and being replaced.

The difficulty between you two might have something to do with the fact that you recently told your cousin, confidentially, that Erin has a sexually transmitted disease, herpes. You told your cousin in confidence, because your cousin told you he discovered he has an STD. You did not mean to start a rumor or reveal a confidence and feel badly about the result.

You asked a mutual acquaintance to mediate.

✕

Erin

You and Austin were great friends all last year. Recently you heard that Austin had revealed something very private about you to Austin's cousin—that you have herpes. This was really upsetting and made you lose trust in Austin as a friend.

You decided that you wanted to cool off the relationship with Austin and broaden your friendships. The difficulty is that the two of you each paid \$25 for two tickets to a concert this Saturday night. You really want to go to the concert. It is sold out. They are reserved seats. You have the tickets in your possession. You asked a mutual friend to go to the concert with you if Austin decided not to go.

Austin asked a mutual acquaintance to mediate. Sounds like a good idea. Things between you and Austin are very uncomfortable and you haven't been able to talk lately.

University Pool Hall

Mediator

This is a conflict between two students of the same gender, that occurred in the Student Union Pool Hall. The mediators are two university students.

✕

Andi

You have been dating Cam for three months. You went to the Student Union Pool Hall to play pool with Cam and some other friends. Barri (same gender as you) was also in the game room and was giving constant attention to Cam. Barri and Cam knew each other as acquaintances but neither Cam nor you (Andi) liked Barri's persistent attention. You asked Barri to leave Cam alone. Barri made inappropriate remarks and got his/her friends to come over and intimidate you. A fight erupted and the pool table got damaged in the scuffle. Repairs to the table will cost about \$125.

The next day, the game room manager called to strongly recommend that you mediate with Barri to resolve the conflict and cover the damages to the pool table, in order to avoid any disciplinary action or criminal charges. You agreed, because you didn't want any problem like this to mess up your scholarship.

✕

Barri

You were in the Student Union Pool Hall with some friends when you noticed Cam (opposite gender from you) come in with Andi (same gender as you). You had met Cam a few days earlier and felt good about your contact. You wanted to get to know Cam better.

After talking to Cam for awhile in the Pool Hall, Andi came over and started ordering you around. You were concerned that Andi might start a fight, so your friends came over to support you. Andi shoved you, you shoved Andi back and then a fight followed. The Pool Hall manager came over to stop the fight before anyone got hurt, but the pool table was damaged in the scuffle and will cost about \$125 to repair.

The next day, the game room manager called to strongly recommend that you mediate with Andi to resolve the conflict and cover the damages to the pool table, in order to avoid any disciplinary action or criminal charges. You agreed, because you didn't want any bad marks on your good college record, and you certainly didn't want to get dragged into court.

Campus Productions

Mediato.

Two students who both work with Campus Productions, a student run organization that plans special events on campus, agreed to mediate their differences in an effort to improve their working relationship.

✕

Kim

You are special Events chair for Campus Productions, a student run organization. You try to plan interesting activities, ones that students will get excited about. You and the publicity chair, Korey, don't get along well, and you think s/he is undermining your efforts by not getting enough publicity out about special events.

You and Korey have never been friends, but you rely on Korey to publicize your committee's projects. You always give Korey a memo about upcoming events, with plenty of notice, and s/he hears about them at Campus Productions meetings, so it seems like Korey has enough information to do a better job. You have a bit of a better-than-thou attitude.

The president of Campus Productions suggested mediation when you complained about Korey. You agreed to give it a try.

✕

Korey

You are publicity chair for Campus Productions, a student run organization. You need to work closely with other committee chairs in order to get the word out about student events. You want to do a great job with publicity and have that reflected in good student turnout for campus activities.

You and special svents chair, Kim, have never gotten along well. There's no specific problem; you just don't like Kim's attitude of superiority.

Kim gives you written information about upcoming events but doesn't meet with you to explain them, like other committee chairs do. The written information is minimal, but you do what you can with it. It would help if Kim took the time to give you more details and background information, but it is difficult to work with Kim due to the tension between you.

The president of Campus Productions referred the two of you to mediation to help smooth things out.

Car Sale

Mediator

Sydney bought a car from Randi and it broke down. Sydney requested mediation.

✕

Sydney

You and Randi have been friends for a couple of years. You needed a car and just recently saved up enough money (\$2,000) to buy one. You were delighted when Randi told you that s/he had saved a little money and wanted to get a better car if s/he could sell his/hers. You had been in Randi's car before and it seemed to run all right. You don't know much about cars, but you know that Randi does.

A week after you bought Randi's car, it wouldn't start. You had it towed to a garage and learned that the battery was dead and that the starter needed replacing. This lead you to check it out further and you discovered that it needed new brakes.

A couple of days ago you went to Randi and said that s/he hadn't treated you very well to sell you a broken down heap, and that since you hadn't had the car long, you wanted your money back. You got into an argument and haven't talked since.

The friendship with Randi is important to you, but you are still angry and don't understand how a friend could sell you a pile of junk. You asked for mediation.

✕

Randi

You and Sydney have been friends for two years. You sold Sydney your old car, as is, for \$2,000. Sydney knew it wasn't in good shape, but that s/he was getting a cheap car. You had owned it a long time, and it wasn't new when you bought it. You kept it going because you're a fairly good car mechanic. Anyway, everyone knows the "buyer should beware." You never made any promises about how long the car would last.

A couple of days ago Sydney asked for the money back and implied that you had intentionally cheated him/her. This hurt your feelings. You were not deceptive; the car is clearly an old car. Anyway, you can't give the money back now, because you already spent it, along with some you had saved, to buy a newer, better car.

You haven't talked with Sydney since the argument, but would like to try to straighten things out. You would miss Sydney's friendship.

Counseling Cut-Off

Mediator

This is a conflict between a student, Quinn, and Counseling Center staff member, Dana. A key administrator referred the matter to mediation after Quinn filed a complaint about lack of service.

✕

Quinn (Student)

You have overcome a traumatic childhood and are now able to attend college. You have had unexpected family and health problems recently that have drained your financial and emotional resources. You need financial assistance and realize that you are not going to get the help you need. On top of the money worries, Dana, a counselor at the university Counseling Center has told you that s/he will not see you as often as you would like to have counseling sessions (two to three times a week). Dana said not to call the Center in emergencies anymore. You complained to a key administrator, who suggested mediation.

✕

Dana (Counseling Center Staff)

You tried to help Quinn, a student, but were unable to give him/her all that was requested. Quinn is very difficult to work with and never seems to be satisfied. Quinn has overcome a difficult childhood and has recently had family and health problems, in addition to serious money worries and disruptive behavioral problems. Quinn has used up financial aid for this academic year.

Quinn continues to use campus emergency counseling services, even though you have asked Quinn to schedule a weekly counseling session (rather than the two to three per week that Quinn wants) or seek community mental health services. For extended care, you always refer students to community counselors. Quinn complained to a key administrator, who suggested mediation.

Grade Dispute

Mediator

This dispute is between a university student, McKenzie, and Assistant Professor Magruder, regarding the grade given for an education course.

✕

McKenzie

You are a university student who got a C in an upper level education course. You felt you deserved an A or B. You did all the work that was required, two papers and a final exam, and received an A-, A- and B-. You were very conscientious about turning in quality work, on time. You tried hard to do well in class because, due to a medical condition, you had to be absent a lot.

You have not talked with the instructor, Assistant Professor Magruder, about your illness, preferring to keep the information private. Your condition requires you to miss classes fairly frequently and to avoid overstressing yourself physically or emotionally.

You filed a complaint concerning the grade dispute and were referred for mediation.

✕

Assistant Professor Magruder

McKenzie, a student, filed a complaint regarding the grade received in your upper level education course last semester. While you admit that McKenzie did good work in your course when it was required (for two papers and a final exam, McKenzie's grades were A-, A- and B-), McKenzie did not participate in class, and cut class a lot, without any explanation.

You think that class attendance and participation are crucial to gaining and demonstrating full understanding of the material. You think it is irresponsible of students to cut classes, especially in upper level courses in their major area of study. However, your syllabus did not say that class participation would be considered in determining a student's final grade. Even if McKenzie has an excuse for the absences, s/he should have told you in advance.

You gave McKenzie a C in the course, due to the lack of participation and unexcused absences. McKenzie filed a complaint, and the matter was referred for mediation.

That's The Way The Ball Bounces

Mediator

Wren, a starting player on the soccer team, was suspended from playing in the next three soccer games by Coach Hardnose. Coach said that Wren is not serious enough about the game and has missed two practices in a row. Wren asked for mediation. Coach reluctantly agreed to mediate.

✕

Coach Hardnose

You have coached the soccer team for ten years, and while it is fun to joke around and have a friendly relationship with the players, you expect them to be at practice on time and to not miss a practice without an excuse. You want them to have a good time, but they must follow some basic rules in order for the team to work together to the best of its capacity.

You like Wren, a student on the team, and you recognize Wren's talent as a soccer player. Wren's horseplay on Monday almost caused injuries. Also, Wren missed two practices without excuses (Tuesday and Wednesday), and that couldn't be overlooked. Wren is a star player and is respected by teammates, but you feel you must be strict about the rules or you will lose control of the whole team. You suspended Wren from playing in the next three games.

✕

Wren

You are a senior who has played on the soccer team for three years. You are a starting player. You were recently suspended from playing in the next three games by Coach Hardnose. You have always abided by rules in previous years, and you feel the suspension is too tough.

You were joking with other players on Monday afternoon. Tuesday and Wednesday you were sick and just barely made it to classes and work crew. When you came to practice Thursday, others were taking their time getting ready for practice, so you did too.

Coach said you were instigating trouble. Coach asked for a written excuse for missing practice. When you said you forgot to bring it, you were suspended. You think the suspension is unfair, that Coach is singling you out, and that you should at least have received a warning first. Others have missed practice without suspension. These are important games coming up, and you don't want to let your team down.

College Flex-time

Mediator

A support person in the Admissions Office asked for mediation with the director of admissions. The director reluctantly agreed, provided it was not too time-consuming.

✕

Chris

You are a support person in the Admissions Office. You have been there almost two years. In your last job you had a lot of input into decision making. When you try to offer suggestions here, the director, Robin, doesn't listen or seem to care. You're used to having flexibility in your job description and in your hours. Recently you offered to work late on Mondays and Tuesdays in order to come in late on Thursdays. You proposed this because:

1. You want to take a special class on Thursday mornings.
2. Monday and Tuesday are the busiest days.
3. Students might appreciate having extended business hours.

However, you didn't have a chance to give your reasons. Robin immediately said that it wouldn't be possible, and you were reluctant to bring it up again. You were talking with friends about this problem, and they suggested mediation. You thought it was a great idea. You like the work and the other staff here. You don't know Robin well, but are willing to be open minded.

✕

Robin

You are Director of the Admissions Office. You have been there 12 years and are responsible for supervising a staff of ten people. Chris is relatively new (1½ years), kind of flaky, and comes up with off-the-wall suggestions. The latest one involved Chris working late sometimes and coming in late sometimes.

You run a tight ship. You think staff should be able to express their opinions, but then they need to accept your decisions. You're not opposed to change, as long as it's well thought out and well reasoned.

You have been under a lot of stress lately because it's been really busy, you have a lot of paperwork to complete, decisions to make and endless meetings to attend. You admit that sometimes you are short-tempered with people.

When Chris suggested mediation, you agreed, if it wouldn't take too long. You are somewhat skeptical about mediation (afraid it could undermine your power).

Teaching Load

Mediator

Associate Professor Newbury and Department Head Wilson are in conflict over assigned courses. Associate Professor suggested mediation, and Department Head agreed.

✕

Associate Professor Newbury

You were assigned to only introductory classes, AGAIN, for the second time. You feel like you have done your share of this kind of grunt work and deserve a more interesting and convenient class load. You think you are being taken advantage of because you have low status in the department. If you had a more interesting teaching load, you might get re-inspired to work on a research project that has been on hold for some time, and then you would have more status. You requested a mediation with Department Head Wilson.

✕

Department Head Wilson

You assigned Associate Professor Newbury to introductory classes for a second term because you knew that s/he did a great job with the schedule last term. You didn't think s/he would mind the schedule—it involves fewer teaching hours, and you thought Associate Professor Newbury would appreciate that, because it gives him/her a chance to focus on a research and publication project s/he has been working on for almost two years.

Juvenile Detention Center

Short-Timer

Mediator

This is a conflict about chores and friendship between two students, TJ and Mambo, who live in the same dorm. A mediator heard the shouting and offered to help.

✕

Mambo

You just finished your chore—cleaning up the common area in the dorm—when your friend, TJ, came in and made a huge mess (leaving books, papers, stinky shoes, and a coat in piles on the couch and table).

You told TJ to clean it up. TJ blew up and started hassling you about being such a goody-goody. You got into a shouting match and called TJ a pig. TJ said some nasty things about your mama.

You almost got into a fight, but you're trying not to get in trouble, because you are ready to leave the detention center very soon. When a mediator offered to help sort things out, you agreed to talk for a few minutes.

✕

TJ

You came in from school and playing ball—hot, tired, and thirsty. You put your stuff (books, shoes, coat, and papers) on the couch and table while you went to get a drink and wash up.

Your friend, Mambo, laid into you for messing the place up. You didn't want to hear it! You didn't plan to leave your stuff there for long. Mambo is on this goody-goody kick since it's time for Mambo to leave the detention center real soon.

You're going to miss Mambo, who is a good friend. But you didn't like being *told* what to do, or accused of messing up on purpose to make TJ look bad, or being called a pig. You said some mean things about Mambo's mama.

You didn't want to have to fight Mambo, so when a mediator offered to help sort things out, you agreed to talk if Mambo would.

Tape-Decked

Mediator

Korey and Mo are two friends who are really mad at each other about a cassette tape player.

✂

Korey

You got a brand-new cassette tape by your favorite group in the mail, and you were anxious to listen to it. Your friend Mo, had a tape player. Mo wasn't around, so you borrowed the player. You thought it was cool, since Mo loaned you the tape player one other time. Other people borrow it also.

The tape player messed up and ate your new tape. When Mo got back, you asked Mo about replacing your tape for you since Mo's machine wrecked the tape. You were half joking. Mo got really mad, and loud, and called you a dirty thief and some other names.

You're pretty handy with mechanical things, and maybe could have fixed the player, but you didn't know it was busted before you put the tape in it. You and Mo were referred to mediation to try to talk it out.

✂

Mo

You are really tired of people taking your stuff. Someone borrowed your tape player last month and returned it broken. It hasn't been fixed yet. When you got back from school today, your friend, Korey, told you s/he borrowed the tape player, and it ate Korey's new tape. Korey expected you to pay for replacing the tape.

You lost it! You called Korey some names and got really mad about people taking your stuff without permission. Korey's a friend of yours, and you have loaned Korey the tape player one other time.

You know it's not Korey's fault the player was broken, but you were in a bad mood to begin with, and almost got into a fight. You and Korey were referred to mediation to try to talk it out.

Kat Woman

Mediator

A teacher heard rumors of a fight between two girls, Katmandu and DeLila, concerning a guy, and referred the matter to mediation. Both girls agreed to mediate.

✂

DeLila

You saw a new girl at the detention center, Katmandu, flirting with your boyfriend, Samson, today and passing notes to him during class. When you confronted Kat she denied it and asked if there were a law against talking to other people. Now your friends all say that Kat wants to fight you. You want Kat to leave Samson alone, or at least stop flirting with him and passing letters.

You really do *not* want to fight because you can't afford to get in any more trouble, but you don't want to look bad in front of your friends. You agreed to mediate when your teacher suggested it.

✂

Katmandu

You're new at the detention center. You were friends with a guy named Samson at your other school, and he was good friends with your boyfriend. When you saw him in class, you were glad to see someone from home. You and Samson are just friends. Later, another girl at the center, DeLila, told you to leave Samson alone, that he was her boyfriend, and that she didn't want you flirting with him.

You heard from some other girls that DeLila wants to fight you. Since you're new, you *don't* want to start out by fighting, but you don't know how to get out of it, save face, and establish yourself. You would like to get to know some of the other girls at the center. A teacher suggested something called mediation and explained it, and you agreed to try it.

Two's Company

Mediator

A teacher saw three students, Rosco, Hector, and Jana, arguing loudly in the hall, wrote up each of them for infractions, and referred them to mediation. Rosco and Hector are usually good friends.

✕

Rosco

You are a student at a juvenile detention center. You live in the same dorm as Hector, and you are good friends with Hector.

Jana has written notes to you, and you thought she was definitely your girlfriend. Today you saw Hector and Jana talking in the hall at school in a very intimate way. You lost it and pushed Hector up against the wall. Hector started yelling at you to leave him alone. Jana tried to break it up but just got in the way.

You, Hector, and Jana all got written up for an infraction and referred to mediation.

✕

Hector

You are a student at a juvenile detention center. You live in the same dorm as Rosco, and you are good friends with Rosco.

Jana has been writing notes to you, and you were kind of interested in her. Today you and Jana were talking in the hall at school in a friendly way. For no apparent reason, Rosco came and shoved you up against the wall. You told him to get his hands off you. Jana tried to break it up, but you pushed her aside so she wouldn't get hurt.

You, Rosco, and Jana all got written up for an infraction and referred to mediation.

✕

Jana

You are a student at a juvenile detention center. You have been interested in two guys at the center, Rosco and Hector. You are a friendly person and had written notes to each of them, but you had not spent much time with either one of them.

Today you were talking with Hector in the hall at school. Rosco came and shoved Hector up against the wall and told him to leave you alone, that you were Rosco's girlfriend. You tried to help Hector out, but you got pushed aside and kind of fell on the floor.

You, Rosco, and Hector all got written up for an infraction and referred to mediation. As far as you're concerned, you don't belong to either Rosco or Hector.

Payday

Mediator

This is a conflict between a money lender (Johno) and borrower (Maurice) that involved shoving and a loud argument. It was referred to mediation by a staff member.

✕

Maurice

You borrowed \$20 from Johno for cigarettes and other stuff, and in return, you promised to pay \$40 back on payday (today). You have the money, but wanted to ask about waiting to pay some of it back later, because you need the money to send home. Johno said, "No Way!," and started shoving you around. A staff member came up, stopped the argument, and referred you and Johno to mediation.

✕

Johno

You loaned Maurice \$20 two weeks ago, and Maurice promised to pay you back \$40 on payday (today). Maurice avoided you all day today, and when you finally asked Maurice for the money, Maurice started giving you a hard time, and some shoving started. You did most of the shoving. You are tired of everyone stalling about paying back money, and you need the cash soon. Maurice gave his word to pay it back today.

Good Cop / Bad Cop

Mediator

Staff member Krieger asked for a mediation with another staff member, Flowers, regarding enforcement of discipline policies. The mediator is also a staff member.

✂

M. Krieger

You have been a staff member of the juvenile detention center for almost 10 years. Another staff member, Flowers, is loose about writing up students for infractions, and lets lots of things slide that you feel should be punished. Flowers has a good rapport with students but is slack on discipline, in your opinion.

Today a student, Freddie, pushed the limits again with inappropriate language and talking back. Flowers let it go. You wrote the student up. You are tired of always playing the heavy, being the bad guy. You want Flowers to do a fair share of the discipline, and you resent Flowers' slack attitude.

You requested a mediation with Flowers.

✂

M. Flowers

You have been a staff member at the juvenile detention center for three years. You have worked to develop a good rapport with the students. You are firm, but approachable. The students seek you out to discuss their problems and concerns. They are, for the most part, respectful of you, and there is very little fighting in your presence.

Another staff member, Krieger, is a no nonsense person. Krieger goes strictly by the book and, in your opinion, is trigger-happy about writing students up for infractions. The students don't like Krieger. Today a student, Freddie, said some things in jest that you decided to ignore. You knew that Freddie was really working on keeping a clean record and staying out of fights and, mostly, had cleaned up his act. Krieger wrote an infraction on Freddie and then requested a mediation with you.

You are willing to hear what Krieger has to say. You want to maintain a good working relationship with all staff members, Krieger included.

Report Card

Mediator

Student, Rae, asked for mediation with teacher, Davidson, regarding a recent report card. The mediator is a staff member.

✕

Davidson (Teacher)

You gave Rae, a student in your English class, a D because some work was late and some homework was not turned in at all. The work (primarily creative writing assignments) was generally of good quality, once it was turned in. Report cards came out today, and Rae was very upset about the D. Rae is a little bit lazy but has a lot of potential, and you'd like to see Rae do well in your class.

You were out of class for a week this term, and a substitute filled in for you. You saw no record of Rae's homework during that whole time and assumed it was not turned in. You are willing to talk with Rae in mediation.

✕

Rae (Student)

You turned in all the required homework in teacher Davidson's English class. The homework (primarily creative writing assignments) was checked off on top of each page. A substitute was in the class for a week, and she had a different way of checking work. You think she may have forgotten to give you credit for the work, since you turned it in late. You are sure you turned in all your homework, but did not save all of it.

Your grades are important to you, and the work you turn in is generally good. Sometimes your homework is late, because you want to do a good job on it, and that takes a long time, especially for creative writing.

Report cards came out today. You got a D in Davidson's class, and you were *very* upset!!! You want to get to the bottom of this in mediation.

Hospital

Stress In The ER

Mediator (Co-worker in the ER)

Bert and Sandy are RN's who work in the ER. Recently both nurses were working with a car crash patient who was demanding, loud, and intoxicated. You, a co-worker, noticed tension between Bert and Sandy, and when things were calm later, you offered to mediate.

✕

Sandy

You had nearly finished a very busy 12-hour shift, and the last thing you needed was Bruno, a car crash patient. He was rude and intoxicated. Bruno was fully restrained on a back board, with lacerations and bruises on his head and chest, and possibly a broken shoulder. Security was nearby due to notice provided by the ambulance team.

Four children who were in the car that Bruno hit were also in the ER, and three of them were seriously hurt. You and Bert, another ER nurse, went to work on Bruno when he arrived. Bruno seemed oblivious to what he had done, was very disruptive, and was distracting attention from others who really needed help. When he called you a "damn bitch" that was the last straw. If you stayed around another moment, you thought you might say something you'd regret, so you left the room.

During the past several months, you've been under a lot of pressure, caring for your elderly mother and your two sons, ages 8 and 10. Your husband's work has recently put him on the road three days per week. Bert is always calm and patient, but you sense that s/he is annoyed with you, and you're not sure why. You want to clear the air with Bert, if possible. You accepted another ER co-worker's offer to mediate.

✕

Bert

You and Sandy are RN's who work in the ER together. Tonight, when a car crash patient, Bruno, came in with serious bruises and lacerations, a broken shoulder, and the possibility of concussion, Sandy left the room, telling you to take care of him.

You feel frustrated that Sandy's sensitivity to the more rambunctious patients makes them your responsibility. During the past four or five weeks, there have been several occasions in which Sandy has become irritated and has had difficulty dealing with certain patients. You have lots of respect for Sandy's clinical skills and enjoy working with her during quieter shifts, but now you don't want to work with Sandy during a weekend shift when the pressure is on.

You want to be able to count on Sandy's help and support. You also want to remove all doubt that she will dump the difficult cases on you in the future. You mentioned your quandary to a co-worker who offered to help you talk with Sandy.

Hospital Survey Team

Mediator (Supervisor)

Mickey and Nicky are co-workers who are responsible for leading a unit planning team that involves gathering information from other staff and compiling that information as part of a report for the hospital administration. When you asked Mickey about their progress, Mickey snapped back at you that Nicky wasn't doing his/her part. You offered to mediate between Mickey and Nicky.

✕

Mickey

You and Nicky are co-workers who are responsible for leading a unit planning team in gathering information from other staff and compiling it into a report for the hospital administration. There is a tight time-line. You and Nicky have to make sure that surveys are completed and short interviews conducted with every staff member. Your part of the work is ahead of schedule.

You're afraid that Nicky isn't getting the work done, and you're not sure why. Whenever you ask Nicky about it, s/he tells you not to worry, but you know Nicky isn't even halfway finished. An incomplete report would look bad for your department, and it is likely to have a negative effect on your chance for promotion.

You want Nicky to pull her/his own weight. You are tired of covering for Nicky but haven't talked with Nicky about the project in a constructive way. When your supervisor asked about the progress, you made some snide comment about having your part done but Nicky really dragging his/her feet. Your supervisor offered to mediate with you and Nicky, and you agreed.

✕

Nicky

You and Mickey are co-workers who are responsible for leading a unit planning team in gathering information from other staff. The information will be compiled into a report for the hospital administration. There is a tight time line. You and Nicky have to make sure that surveys are completed and short interviews conducted with every staff member.

You have started your interviews, but, because you got the flu and took a few vacation days with your family, your progress in overseeing the interviews has been delayed. There are still two weeks before the report is due, and you hope that your work will be finished by then, but its going to be close.

Mickey is getting anxious about this project and is getting pushy. You figure you can do only what you can do. How can anyone ask for more than that? You don't see the problem with turning it in a little late. The administration probably won't even look at the report anyway! Your supervisor suggested a meeting with Nicky to talk about it, and that sounded like a good idea.

Cafeteria

Mediator (Human Resources Staff Person)

Bobbie, a staff person in the Business Office, asked you to facilitate a discussion with Korie, a cashier in the cafeteria. You agreed to mediate and scheduled a 3:00 p.m. meeting in your Office.

✕

Korie (Cashier)

You are a cashier in the cafeteria. Bobbie, a Business Office staff person, and you had a problem today at lunchtime. You don't know Bobbie, but have seen her/him in the cafeteria before. Today s/he came through your line at an extremely busy time (12:00 noon). It was very crowded. Bobbie had a take out container of soup, in the wrong size container. You lost it when Bobbie balked at putting it in the right size container—you were rude and abrupt with Bobbie, ordering him/her to the back of the line. At that, Bobbie set down the tray and marched out of the cafeteria.

Your supervisor has instructed you to make sure that you charge for *everything* that leaves the cafeteria. There is only one charge for soup, and it is for a smaller container than the one Bobbie had. You were tired, and you thought the supervisor was watching when Bobbie came through the line. Your cash register doesn't have a button for large soup, so you had no way to charge for it.

You think Bobbie overreacted and was very disrespectful of you. You would like an apology and more respectful treatment. Someone from human resources called to say you needed to be there for a meeting today at 3:00 this afternoon.

Bobbie (Business Office Staff Person)

✕

You are on staff in the Business Office. Today you and the cashier, Korie, had a conflict in the cafeteria when you were in line. Korie told you to put your take out soup in a smaller container because it was in the wrong size cup. You were in a big hurry to return to the Office, because your department was short-staffed today. The cafeteria was crowded, there were long lines, and you hadn't seen any small containers.

You didn't like the way Korie talked to you so rudely, and you didn't want to have to get at the back of the line even if you did transfer the soup. In a huff you left the soup on the counter and left the cafeteria.

You were embarrassed in front of other customers and hospital employees. You would like an apology and more courteous treatment next time. You're concerned about how Korie treats other customers. Although you're reluctant to confront Korie again, you asked someone from the human resources department to help you talk with Korie about the situation. A meeting is scheduled for 3:00 this afternoon.

Gossip In The Lab

Mediator (Hospital Staff Person Not From the Lab)

This is a dispute between two lab employees, Jamie and Byrd, who are currently not speaking to each other because of office gossip.

✕

Jamie

You are a new employee at the hospital and younger than your second cousin, Byrd. Byrd helped you get a job in the lab, where Byrd also works. You've been there about four months. You and Byrd grew up together, had a close relationship, and you have always looked up to Byrd.

Recently you told Byrd some personal information in confidence regarding your separation, divorce, and affair with another person at the hospital. Yesterday, you found out that other people at work now know about your private life, and you feel upset and betrayed by Byrd.

You decided to have nothing to do with Byrd, and especially not to talk with her/him. You are still a probationary employee, so when your supervisor strongly encouraged mediation, you said you'd participate.

✕

Byrd

You have been a hospital employee for ten years and worked hard to get your second cousin, Jamie, hired in the lab, where you work. Jamie has been having marital problems for a while—s/he married young and still has a wild streak. You are older than Jamie and look out for her/him.

You did talk with one other person in the lab, Grace, about some of the confidential information Jamie told you. You did this because Grace is a close friend, and you thought Grace could help you figure out how to support Jamie in this difficult time. Grace has been through separation and divorce also. You trusted Grace to keep the information confidential.

You didn't intend for the information to spread through the lab, but it did, and you feel badly about that. You don't appreciate Jamie's silent treatment of you and want to re-establish contact. Due to the tension in the lab, your supervisor suggested mediation, and you agreed that it might help.

Kitty Rescue (X-Ray Delay)

Mediator (Charge Nurse)

Joseph, age 67, has been in the hospital for treatment of injuries he sustained 2 days ago—a broken wrist, dislocated shoulder, badly strained muscles in his back, and possible internal injuries. Upon his return from X-ray today, his wife, Hazel, stormed up to the nurses' station and demanded she speak with the RN who took him for x-rays (Morgan). You, as charge nurse, think you should mediate the discussion, since you have seen that Hazel can be very abrasive.

X

Hazel (Joseph's Wife)

Joseph sustained a fall two days ago while trying to get your cat out of a tree. He broke his wrist and shoulder, badly strained his back, and suffered internal injuries. You know that he is in a lot of pain and feels weak from his injuries. He has not been sleeping well at all in the hospital.

You were in Joseph's hospital room today when he was wheeled in. He looked exhausted. When you asked him where he had been and why it took so long, Joseph said he didn't know. He told you he was tired and that he had waited for at least an hour in a hallway. By leaving him in the hall for so long you believe the nurses have neglected him and probably think "he's just another old man."

You blew a gasket, stormed up to the nurses' station and demanded to see the nurse who brought him back to the room. You want some answers about what happened and want to be assured this will *NEVER* happen again. You are willing to camp out in his room if you have to. You agreed to the charge nurse's request to participate in a discussion with the nurse involved

X

Morgan (Floor Nurse)

Joseph, a patient on your floor, is an older man recovering from a badly strained back, a broken wrist, dislocated shoulder, and possible internal injuries. His wife, Hazel, is demanding and often in the way.

You took Joseph to the X-ray Department today, and due to an emergency, several other patients were moved ahead of him. X-ray staff told you they would get to Joseph as soon as they could.

While waiting and keeping an eye on Joseph, you visited with a friend who had brought another patient to X-ray. As soon as the x-rays were taken, you wheeled Joseph back to his room. According to your watch, you were away from the unit for 35 minutes. Soon after your return, the charge nurse requested a meeting with you and Hazel.

Ex-Wife In The ICU

Mediator (Hospital Staff Person)

Two women are arguing, loudly, outside Neuro-Trauma ICU. You want to try to calm things down so they don't disturb other patients or medical staff.

✕

Sue Ann

Your husband, Jim Bob, is in Neuro Trauma ICU, unconscious, as a result of a car accident.

His ex-wife, Roseann, showed up at the hospital and wanted (demanded) to visit with him. This enraged you. You never liked Roseann in the first place. You know Jim Bob would NOT want to see her even if he were conscious, you do not want to waste his short visiting time on Roseann, and you do not want to upset him.

A shouting match ensued, with some ugly name calling (you called Roseann a "money hungry whore," and she called you a "slut bitch"). A hospital staff person came to talk with you and Roseann.

You don't want Roseann around Jim Bob while he's unconscious. You want to be able to ask Jim Bob whether he wants to see her before she visits him.

✕

Roseann

Your ex-husband, Jim Bob, is in Neuro-Trauma ICU, unconscious, as a result of a car accident.

You came to the hospital as soon as Jim Bob's mother called you with the news. You're worried about him, and you want to know firsthand what to tell your two sons (Jim Bob's children), ages 7 and 15, about their dad. You haven't spoken much with Jim Bob recently, and want to tell him that he's a good father and that the kids need him in their lives.

When you saw Jim Bob's new wife, Sue Ann, and told her you needed to see Jim Bob, she called you a "money hungry whore" and said you'd see Jim Bob over her dead body. You called her a "slut bitch," and it was getting ugly. A hospital staff person came to talk with the two of you.

You're upset and want accurate information about Jim Bob's condition so that you can talk with the boys honestly about their dad. You'd like to communicate with Jim Bob about the boys, to give him a reason to live.

Daddy?

Mediator (Hospital Security)

Two men are shoving each other and shouting in the hallway of the labor and delivery floor. You try to settle them down, to help them talk through the problem, if possible.

✂

Fred

After being married to Ethel for eight years, you separated ten months ago. Ethel just had a baby, and you came to the hospital to see her and the baby.

You'd like to get back together with Ethel, especially if the baby is yours. You're not sure who the father is; it might be you (you and Ethel reconciled once during the separation), or it might be Ethel's new boyfriend, Rick. Ethel says she's not sure.

You and Rick used to be friends, until he started dating Ethel. You think he's a slime for interfering with your marriage when it was shaky.

You run into Rick as you get off the elevator, call him some names, and then start shoving each other and shouting in the hallway of the labor and delivery unit.

You want to talk to Ethel and see how she feels about you. Having this baby could be a beautiful reason for starting a new life with her.

✂

Rick

Your girlfriend, Ethel, just had a baby, and you came to the hospital to see them. Ethel said you are the father of the new baby. You and Ethel are planning to get married as soon as she's divorced from her husband, Fred, who used to be a friend of yours.

You feel bad about hurting Fred's feelings but know that they were both unhappy in the marriage for at least two years before the separation ten months ago. Now there is hostility between you and Fred.

After visiting Ethel, you ran into Fred in the hallway outside the elevator on the labor and delivery floor. He made some rude, snide comments to you, then he started shouting and pushing you, so you shouted and shoved back.

You want Fred to treat you civilly. He has no business making a scene at the hospital. You haven't had a conversation with him since you and Ethel started dating; maybe it's time to talk.

Ex-Father-In-Law In The ICU

Mediator (Hospital Staff Member)

Ex-spouses, Joe and Jo Ann, are arguing in the ICU waiting area regarding visiting with the patient, Tim. Tim, Jo Ann's father, is in ICU following open heart surgery. Jo Ann is an employee of the hospital.

✕
Joe

You and Jo Ann were married for ten years. You became good friends with her father, Jim, and often went fishing and hunting with him while you were married. He has always treated you as a son. You have been divorced for three years. Jo Ann is a hospital employee.

You want to see Tim in ICU because he's seriously ill (open heart surgery) and might not make it. You haven't seen him since the divorce, because it has been awkward, but have talked on the phone, and you care about him as a friend and the father you never had. You want to make sure Tim knows that you care about him and that he has been a great influence on your life.

You and Jo Ann got into an argument in the waiting area when she said you couldn't go see Tim. A staff member offered to mediate.

✕
Jo Ann

You and Joe were married for ten years and have been divorced for three years. Your father, Tim, is in ICU and is very seriously ill (open heart surgery). You are a hospital employee, not currently on duty.

Joe and Tim used to go fishing and hunting together while you were married. You were actually jealous of their relationship and resented the time Joe spent with Tim away from home.

You are angry at Joe for appearing at the hospital after having no contact with Tim for three years. Your first instinct was to prohibit Joe from seeing your father. You and Joe got into an argument in the waiting area, and a staff member offered to mediate.

Pain In The ICU

Mediator (ICU Charge Nurse)

Allen was admitted to ICU a week ago with severe internal injuries. His condition is beginning to improve, but his mother, Jackie, is interfering with his care, according to Allen's nurse, Les. Les was really agitated about Jackie's most recent request, a bed for herself in Allen's room. You offered to mediate.

✕
Jackie

Your son, Allen, was admitted to ICU a week ago due to severe internal injuries suffered in a car accident. Allen was badly hurt, and you have been with him at nearly every visiting period. You believe that your presence is helping Allen stay alive.

You are attentive to Allen's needs, expect explanations for changes in his care, and often have questions for the nurses and doctors. Allen's doctor suggested that you be with Allen as much as possible, so you requested a bed in Allen's room to enable you to be with him at all times. In response to this request, Allen's nurse, Les, suggested that you, Les and the charge nurse talk.

✕
Les

Allen was admitted to ICU a week ago due to severe internal injuries suffered in a car accident. He is just beginning to improve. You, as Allen's nurse, have gotten to know Allen's mother, Jackie, well.

Jackie is with Allen constantly—at every visiting period. She pulls you aside whenever she has a question. She wants thorough explanations for every adjustment in Allen's medications, and she expects the nursing staff to be responsive to *her* needs as well as Allen's. Having Jackie around is like having two additional patients to care for.

Jackie recently requested that she have a bed in Allen's room so she can keep a better watch over him. She said his doctor recommended it. If Jackie is with Allen constantly s/he will drive everyone on the floor nuts!

When you complained to the charge nurse about Jackie's interference, the charge nurse suggested s/he mediate a discussion between you and Jackie, to let Jackie know that her intervention is counter-productive to Allen's care.

Doctors' Parking Only

Mediator (Hospital Staff Person)

On Thursday, Dr. Doe parked in a handicapped space, received a ticket and complained, loudly, to H. Honcho, hospital CEO, about the ticket and about Gray, a security guard. Honcho referred the matter to mediation.

✕

Dr. Doe

You are a surgeon. Yesterday when you got to the hospital, cars were improperly parked in spaces reserved for doctors. You were very angry, because it happened often and because you were in a hurry. You asked Gray, a security guard, to put a stop to it.

Today when you arrived, you were again in a hurry and still upset about the parking situation. You pulled into a handicapped space to get Gray's attention and to encourage security to patrol the lot better. When you returned to your car, you found a ticket (\$150) for parking in a handicapped space. You stormed into Gray's office, and demanded to know what security would do about the ticket. He said, "Nothing. I suggest you pay the it."

You marched to the administrative offices and demanded that the hospital pay for the ticket. H. Honcho, hospital CEO, arranged a time for you and Gray to meet to talk about the incident.

You agreed to mediate because you think Gray acted inappropriately. You want an apology and some indication about better patrolling of doctors' parking spaces. You realize that your attention-getting strategy (parking in a handicapped spot) backfired, and that you'll need to pay the fine; however, you need access to convenient parking at all times!

✕

Gray

You have worked at the hospital for ten years as a security guard. Yesterday, Dr. Doe complained about unauthorized people parking in spaces reserved for doctors.

Today, Dr. Doe parked in a handicapped space, even though there were plenty of other spaces available. You contacted the City Police Department and asked them to come ticket all cars improperly parked in handicapped spaces. Dr. Doe received a ticket (as did people improperly parked in doctors' spaces), yelled at you and demanded to know what you would do about it. You said that there was nothing you could do since the City Police issued the ticket, and that Dr. Doe should pay the ticket.

You would like an apology from Dr. Doe and more courteous treatment. You agree that sometimes non-doctors park in doctors' spaces; however, you simply cannot allow non-handicapped drivers to park in handicapped spaces.

Nursing Home

Sweat Box

Mediator

Rae, a long-time nursing home resident, and Les, a new resident, are in conflict regarding the temperature in their room. Rae complained to the management. Both agreed to meet in mediation.

✂

Rae

You have lived in this nursing home for over three years. For most of that time you shared a room with another resident, until three weeks ago when s/he had to move to another facility. You got along fine with your former roommate and never had a problem together. You feel stuck with Les, your new roommate. Les doesn't want to get along at all and isn't agreeable to anything.

Every day you have to turn down the heat because it is way too hot. The other night you had to get up twice to turn the heat down. Each time you turned it down, Les waited until you fell asleep again and then turned it back up. The place feels like a sauna; it's a real sweat box. Les is always running around in just a few clothes. No wonder Les is so cold!

You are also concerned about the television schedule. You like to watch comedy shows, and Les is always trying to turn on news.

You and Les haven't talked about the heat (seems obvious to you that it's way too hot), but you complained to the management, and they arranged a meeting to discuss it. It is nearly impossible to get a roommate change, so you want to try to get along with Les, if s/he will be more reasonable.

✂

Les

Your children convinced you to move into the nursing home, which you did two weeks ago. Your assigned roommate, Rae, is an inconsiderate bully.

Rae has taken it upon him/herself to decide the room temperature, but has never once said anything to you about the heat. Sure, you like to use the heat, maybe a little more than the average person, because you catch colds easily and have had pneumonia. It is important that you not get chilled.

The TV is a problem too. You love news shows, and Rae never gives you a chance to select the program. Each room has a TV that is to be shared, not monopolized. You change stations when Rae leaves the room to show that you won't be bossed around.

A meeting is set to discuss the problems between you and Rae. You want to settle this and get along with Rae. You are willing to make some concessions as long as Rae lightens up.

Bible Talk

Mediator

This is a dispute between two new roommates, Frankie and Johnnie, over religion, lighting, and grandchildren. Frankie has been at the nursing home for two years. Johnnie is new to the nursing home. Both agreed to come to mediation.

✕

Frankie

You have been a resident at the nursing home for about two years. You are very unhappy about your roommate situation. You had a private room in the nursing home for a few months after your last roommate died. Recently a new roommate, Johnnie, arrived and has habits very different from your's or your old roommate's. This new roommate prays out loud first thing in the morning and last thing at night. You don't have anything against praying, but you don't want to be subjected to his/her religion.

This new roommate turns out the light at night, and you are used to sleeping with a low lamplight on. Worst of all, s/he has told you about his/her wonderful grandchildren a million times. You are sick of hearing about them. They never come to visit anyway, so how good could they be? Your grandchildren are professionals and much more interesting than Johnnie's.

You filed a complaint a week ago, after the new roommate had been there a few days. Now they tell you there will be a meeting about it. Fine. You want something done.

✕

Johnnie

You arrived at the nursing home about a week and a half ago. People are not very friendly, and it is hard to adjust to the new schedules. You are used to going to sleep a little later at night. Your roommate, Frankie, insists on sleeping with a table lamp on, which makes it even harder to sleep.

Your religion is very important to you, and you used to read the Bible a lot, when you could see better. Now you recite it often, which is comforting to you. Your roommate never complained about it, so you thought s/he enjoyed it too.

You are lonely and would like to have a visit from your family. Your grandchildren mean the world to you, but they're busy, and they don't live nearby. When someone suggested a meeting with you and your roommate, Frankie, you agreed. You're confused about why a meeting is necessary, but you are confused about a lot of things that happen at this place.

Moody Blues

Mediator

You noticed that a new resident was having difficulty adjusting to the nursing home. When you checked into the situation, you learned that family visits were posing a problem. You offered to mediate between the resident and his/her son/daughter, Billie.

✕

Mom or Dad

You are despondent and upset. Since you came to this nursing home about four months ago, it seems like your family forgot you. They used to come three or four times a week at first, but in the last two weeks they only visited once, and that was only for 20 or 30 minutes. Phone calls have been short too.

You are disappointed about having to live here. You realize you couldn't continue to live alone and that no family member was able to take you into their home, but they don't understand how bad you feel about living here. You've complained about the place to them, and sometimes when they've visited you've been moody and quiet.

Last time Billie, your son/daughter, came to visit, s/he talked a little, tried to get you to play a dumb game of checkers, got mad when you didn't want to, and then left. Heck, you'd enjoy playing cards, going out for a ride, visiting Billie's home or going to a movie. You'd like your family to visit more often, maybe do something fun, and be more understanding if you are in a bad mood.

Someone from the facility suggested they meet with you and Billie to talk about the visits, and you agreed to go, but you're not sure that it will help.

✕

Billie

Your parent agreed to move into a nursing home about three months ago. Initially ~~your parent~~ to visit every day, but your visits seemed to do nothing to cheer up your parent. You tried to talk or do something fun like play checkers, but your parent either spent the whole time complaining or just clammed up.

Seeing your parent age is very disturbing to you. You feel guilty about not being able to take him/her into your home to live, but that just isn't possible with your work schedule and the kids' needs. You want your visits to go well, but it often seems like your parent doesn't even want you around.

Someone from the facility offered to meet with you and your parent to talk about how to improve the visits. You have tried everything you could think of and have not had much success, so a meeting sounds like a good idea to you.

Variety Is The Spice Of Life

Mediator

M. Resnik, a nursing home resident, filed a complaint about the cuisine. The ombudsman scheduled a meeting with the resident and the dietitian, D. DeJour.

✕

M. Resnik

You have been a resident at the nursing home for about eight months. You have complained about the food at every meeting of the residents, but nothing changes. It's still too bland, mushy, colorless and overcooked. And there are no fresh greens.

You heard about a phone number you could call to make complaints, so you called it last week, out of frustration. You are concerned about your health, eating all the over-processed food. You are used to eating fresh fruits and vegetables from your garden. You miss gardening.

When someone told you they scheduled a meeting with the nursing home dietitian, you thought that sounded like a great idea—maybe *now* something will change!

✕

D. Dejour (Dietitian)

You have over 100 people to feed at the nursing home, three times a day. Everyone has special needs, so you try to prepare nutritious, enticing menus, within your budget, that will appeal to the majority of residents and staff. You were surprised to learn that a resident, M. Resnik, had filed a written complaint about the food.

M. Resnik has digestive problems and her/his doctor ordered a bland diet of well cooked food to ease digestion. You realize a bland, well cooked diet isn't very appetizing, and like some variety and spice in your own food.

A few days ago, when you learned of Resnik's complaint to the ombudsman about the food, you checked with Resnik's doctor to make sure the orders were still current, and they are. This complaint was the first indication that there was any dissatisfaction with the food.

You run a tight ship. Mediation might take time from your crowded day, but you don't want the residents to be bad-mouthing the food. You take pride in your work and try to please the most people possible, within the budget.

Health Department

Mediator

T.J. Abbott made a complaint to the ombudsman about a social worker from the County Health Department, S. Werkman, who refused to provide services to TJ's elderly mother. TJ seemed quite upset about the situation. The ombudsman suggested a meeting to try to clear up the problem. Both parties agreed to meet.

✕

T. J. Abbott

Your mother is elderly and needs some assistance with meals, bathing, and housework. You repeatedly called the County Health Department social worker, S. Werkman, to try to get assistance, but Werkman was totally unresponsive to your request for help.

It took a week to even get a call back, and when Werkman did call, s/he told you that there wasn't anything the Health Department could do, and referred you to "VHP." You don't even know what a VHP is. You are extremely upset about services provided by the Health Department, or lack thereof.

You work during the day, so you can't help your mother yourself. Your mother's income is pretty good, since she receives your father's retirement pension (\$600/month) and Social Security (\$450/month). Even so, you can't afford to hire private help.

You called the ombudsman to complain, because you heard the Health Department has to help people like your mother, and that the Ombudsman has to make them help. You are **very** loud and talkative when you're upset, and it is hard to get a word in edgewise around you.

✕

S. Werkman (Social Worker, County Health Department)

Last month you got a message that T.J. Abbott called and would call back. You are in and out of the office a lot doing field work. TJ left a home phone number, and when you finally reached TJ, you learned that s/he wants full-time service for his/her elderly mother. That level of care is just not available without a large expense. Certainly, the Health Department does not provide that kind of service.

You tried to suggest private helping agencies, such as Visiting Health Professionals (VHP), but TJ was loud and obnoxious, got upset, and cut you off.

The ombudsman called to see if a complaint filed by TJ could be handled informally. You agreed. You would like the elderly mother to get the care she needs and don't want TJ's abrasive personality to interfere with that.

Family

New Boyfriend

Intake Information for Mediator

Bill and Marie have been separated five months and have two children—Jan (age 6) and Timmy (age 8). Since Bill and Marie's separation, the children have been living with Marie. Bill and Marie heard about mediation through some friends. Both want to avoid a court battle and expensive attorneys.

Bill has both children with him every Wednesday evening and every other weekend, and sometimes additional evenings on special occasions.

Bill pays \$50.00 child support to Marie each week.

During an intake interview, Bill explained that he wants to be more of an influence in his children's life and that he wants the kids to live with him more of the time. According to Bill, the kids have been doing okay since the separation. He has indicated that wants Mary "to stop shacking up" with her boyfriend in his house. He also wants to arrange full custody or at least split custody, with the kids staying with him every other week.

Marie wants Bill to be a better parent and abide by the rules of her home. She is suspicious about why he wants split custody. "What he really wants is to get out of paying child support. What I want is what's best for the children."

New Boyfriend (Continued)

✂

Marie

You have been separated from Bill for about 6 months and have two children - Jan (age 6) and Timmy (age 8). Since your separation, the children have been living with you. You heard about mediation through some friends. You and Bill want to avoid a court battle and expensive attorneys.

Both children seem to be adjusting to the separation. They ask about their dad, and it's hard to tell them that he's not coming back home to live. They like seeing their father but at their age you believe they need to be with you most of the time. They spend every Wednesday evening and every other weekend with Bill.

You work full-time in a local manufacturing plant from 7 a.m. to 3 p.m., Monday through Friday. Bill is a sales rep at an appliance store.

You depend on child support (\$50/wk.) to help pay the bills. When payments are late, you feel frustrated and conclude that Bill is indifferent to how hard you are working to stay afloat financially.

Bill spoils the kids by not being consistent about whether they may watch certain TV programs, not being regular about bedtime, and feeding them junk food. It's real frustrating when it takes several days for the children to settle down after they return from visitation with Bill. When you try to talk with him about these concerns, he gets angry and leaves or hangs up the phone. While relating to Bill is difficult, the kids like seeing their father and you believe it is important that they spend time with him.

Eight weeks ago you met a nice man. You have dated several times and had him over for dinner one evening to meet the kids. You wonder if Bill is deliberately being inconsistent in order to get back at you because you have found someone who cares about you.

Your concerns: The kids are suffering from the transition between the different expectations that exist in each parent's house. Why can't Bill stick to the routines that were in place before the separation?

Current goals for mediation: You want more parenting consistency and less confusion for the children or for Bill to spend less time with the kids.

You want appreciation from Bill for how hard you are working to maintain a home for the kids. You want better communication with Bill regarding the children. In order to meet all household and child related expenses, you need an additional \$100/month in child support.

New Boyfriend (Continued)

✕

Bill

You have been separated from Marie for five months and have two children—Jan (age 6) and Timmy (age 8). Since your separation, the children have been living with Marie. Marie heard about mediation through some friends. You both want to avoid a court battle and expensive attorneys.

You work as a sales representative at a local appliance store. Marie works at a factory on weekdays. You pay her \$50/week for child support.

You are hurt and angry over Marie leaving you five months ago and wonder if it still might be possible somehow to get back together. You have been seeing Jan and Timmy on every visitation day, and several times took them on special trips to Charlotte. You want to be a real father and don't understand how you can do that every other weekend and on Wednesday evenings.

You don't like the idea of Marie's "boyfriend" taking your place in your children's home. You want "full custody" or at least "split custody" that will give you more time with the kids. You also want to buy them clothes yourself and provide for their needs when they are with you. When you have asked Marie about where the support money goes, she accused you of implying that she was not a good mother. You believe she is a good mother, but she exercised bad judgment bringing this man into the children's lives.

The children are doing well in school. They like being with you and, when you ask them, they tell you they would like to stay with you when it is time to return to Marie's home.

Your concerns: The children do not need to be confused about who their father is. This boyfriend of Marie's has got to be left out of their lives.

Current goals for mediation: Is there any way to win Marie back?

You never planned to be a weekend father, and you want to arrange for more time with the kids. You want more time with the children and less confusion in the children's lives.

Drop-In Drunk

Intake Information for Mediator

Jack and Lana have been separated eight weeks and have two children—Jimmy (age 8) and Mike (age 10). They have been referred to mediation by a judge who hopes mediation can help them settle custody and visitation disputes. As a result of brief intake telephone interviews, you have been told that Lana put Jack out of the house and does not want to reconcile. She wants the children to be able to see their father but does not want him to drop in whenever he feels like it. These drop-in visits are disruptive for the children and feel invasive to Lana. Lana has been working for several months as a hair stylist.

Jack explained that he has been put out before and that this time he thinks the marriage is over. "Don't make sense to live with that woman," Jack said. Jack wants to see the children and thinks it is unfair that Lana tries to limit his contact with them. Jack lost his driver's license three months ago and has difficulty getting around. He was able to find an apartment close to his former home with Lana. He is able to keep an eye on things and see the kids. Jack works part time.

Drop-In Drunk (Continued)

X

Lana

You have been separated from Jack for eight weeks and have two children—Jimmy (age 8) and Mike (age 10). After a brief custody hearing, a judge referred you both to mediation to settle custody and visitation disputes.

You finally told Jack to get out of the house two months ago. Jack had been drinking again, and you got into an argument over handling money and Jack's criticism of you for working too much, for not spending more time around the house, and for involving your own mother in the kids' lives and family affairs.

You are tired of Jack's mood swings when he drinks, his desire to manage and control your life, and his outbursts at the children. He recently lost his driver's license after a DUI conviction.

You have begun working at a beauty shop during the day while the kids are at school and on Saturdays—your most profitable work day. Your parents live nearby and are willing to take care of the kids at no charge. They also help you financially. Jack works sporadically, part time.

Your concerns: With Jack's temper you do not feel comfortable leaving the kids with him for very long because they might get under his skin.

The kids want to see Jack, but they depend on you for their care. Even though Jack agreed to see the children one night a week and every other weekend, he still drops by the house. The drop-ins are disruptive to your routine, and visits turn into arguments.

So far you have been able to pay the rent and feed the kids on your part time income, and you are beginning to believe you can provide for the kids pretty well with dependable help from Jack. He promised \$60 every two weeks, but has given you money only 2 times.

Jimmy (8) likes sports and school. He has friends in the neighborhood and is independent for his age. Mike (10) has mild dyslexia which affects his school performance. He is hyperactive and needs special attention in school or he becomes a behavior problem in class. He is in a Special Ed class, and the school counselor suggested that Mike attend an alternative school where he could receive personal attention. The alternative school is expensive.

Current goals for mediation: To provide Mike with an appropriate educational program; to avoid arguments with Jack, and to know that when the children are with Jack, he will not be drinking and will be up to the challenge of managing them without yelling at them or threatening to whip them.

Drop-In Drunk (Continued)

✕

Jack

You have been separated from Lana for eight weeks and have two children—Jimmy (age 8) and Mike (age 10). After a brief custody hearing, a judge referred you both to mediation in order to settle custody and visitation disputes.

You left the house during an argument with Lana two months ago. After staying with your brother several weeks, you rented a small apartment down the street from your wife and children.

You work as a standby postal worker, and when you are called into work, you usually work mornings but don't have to work everyday. Lana works part time in a beauty shop.

Because you are around the home neighborhood a lot, it is easy for you to watch the kids and Lana coming and going. Lana has told you to stay away from the house and the kids except for every other weekend and one day during the week. You agreed to this routine after you moved out in order to appease her but it just doesn't seem fair. She has forced you out of your house—full of your furniture and occupied by your kids.

Jimmy (8) likes school and sports. He gets along well with other kids in the neighborhood and has lots of friends.

Mike (10) has never done too well in school and has been a handful for his teachers. Lana has told you that Mike has dyslexia but you believe Mike is just "all boy". He gets rambunctious at times but it's not out of the ordinary really. He will grow out of it just like you did.

Your concerns: You want to see your kids more often—you could be with them sometime when they come home from school and part of the day on Saturdays. Lana says she wants her mother to care for the children.

You have given Lana \$60 two or three times but if she won't let you have the kids, then she will not get any money from you. Your attorney says you should be able to get joint custody anyway.

Current goals for mediation: You want to keep child support payments realistic with what you can pay. You want to see the kids several times each week on a flexible schedule.

Young Love

Intake Information for Mediator

Dan (22) and Dee (19) have been separated three months and have one child, Sally (18 months). They have been referred to mediation by Dan's attorney in order to discuss visitation and custody issues related to their daughter.

As a result of brief intake interviews with both parents, you learned that Sally has been living primarily with her mother and has seen her father about twice a week on an irregular basis.

Dan says he wants full custody. He doesn't think Sally is getting the care and attention that she needs from Dee. His attorney seems to be encouraging him to push for full custody. Dan works 3rd shift at an electronics plant and part-time at a garage in the evening.

Dee believes that the pregnancy and marriage were mistakes. She tried to make it work but finally realized that she never really loved Dan. Dee wants to have minimal contact with Dan. She believes he is using Sally in order to be around her. Dee thinks it is important that Sally know her father and be able to spend time with him. Dee moved in with her 21-year-old sister three months ago, one morning after Dan left for work.

Young Love (Continued)

✕

Dan (age 22)

Your separation from Dee (age 19) occurred three months ago. You have one child, Sally (18 months). You were referred to mediation by your attorney in order to discuss visitation and custody issues related to Sally.

You work third shift in an electronics plant and part time in a garage in the evening. Three months ago, you returned from work to learn that Dee and Sally had moved into the home of Dee's sister Elsie. The shock of Dee leaving has lessened during the past several months and you continue to hope that things might be straightened out between you and Dee. You give Dee \$40 or \$50 every now and then so she can get things for Sally.

Your concerns: You have seen Sally several times a week and have noticed that she has not been well cared for. She wears dirty clothes and is not bathed every day. She always seems upset, and you have been thinking that she might be better off with you. Your attorney told you that in some cases a judge will award custody to the father. Your parents said they would help you care for Sally if you are given custody.

It seems that Dee's sister Elsie is a bad influence on Dee. Elsie's two kids have always looked unkempt, and her house is a wreck. You saw Sally outside yesterday—a cold day—without a jacket or sweater. If things can't be straightened out between you and Dee, then at least Sally should have a decent place to grow up and be cared for adequately.

Current goals for mediation: Check out possibilities for getting back with Dee. Make sure that Sally is getting the care she needs. If Dee can't provide it, then you will.

Young Love (Continued)

✕

Dee (age 19)

Your separation from Dan (22) occurred three months ago. You have one child, Sally (18 months). You learned about mediation through Dan. Dan's attorney suggested that you both try mediation in order to discuss visitation and custody issues related to Sally. After talking to someone at the mediation program you decided to try one mediation appointment. You tried to get a legal aid attorney, but were told you didn't qualify for their services.

After becoming pregnant and marrying Dan, you realized that the relationship was a mistake. You tried to make it work but finally realized that you never really loved Dan. Three months ago, after Dan left for work you moved in with your sister Elsie and her two young children. Dan has been seeing Sally several times a week but you believe that he is using Sally as an excuse to be around you and to try to get back together.

You want to have as little contact with Dan as possible but need some help paying for Sally's doctor bills, food, and clothes. Sally likes her father, and you believe it is important that she continue spending time with him. But for both your sakes and Sally's sake, why can't he call first or see Sally on regular days rather than dropping by and getting you upset?

You want Dan to stop calling you at night after Sally has gone to bed saying he wants to say goodnight to Sally. Can't he just leave you alone? You have reason to believe that he wants to get custody and take Sally away from you—how can he even think of taking care of your little girl? He works all night in an electronics plant and most evenings at a garage. He would never be around her. At least you have your sister Elsie who can watch Sally while you work at Wendy's during the day.

Your concerns: You want regular support payments from Dan. You want to set up your own life, apart from Dan.

Current goals for mediation: To get Dan to leave Sally and you alone. To receive regular support payments from Dan so that you can begin to think about getting out of Elsie's crowded house and into a place of your own.

Grandparents

Intake Information for Mediator

Sue (age 22) has filed an action in court requesting that custody of her 4-year-old son Stu, be returned to her from her ex-husband's parents, Stam and Sissy Parker. A judge referred Sue, Stam, and Sissy to mediation.

Stam and Sissy have cared for little Stu for over three years, ever since Sue and their son Morgan separated. Morgan left the area, and Sue got into some trouble with cocaine and alcohol. Stam and Sissy had always been close to little Stu and naturally took over as caretakers. Sue signed a voluntary agreement for them to have custody of him three years ago.

Stam and Sissy have grown very attached to Stu and have done their best to provide him a stable loving home. Stu is hyperactive, but adjusting as well as can be expected. He needs a lot of attention and love.

Sue kicked her habit and is ready to resume her parenting responsibility. She has a job and wants Stu back.

Grandparents (Continued)

X

Sue (age 22)

You and Morgan Parker had a child, Stu, four years ago. About a year after Stu was born, a cute young woman caught Morgan's eye, and he split. He lives out West somewhere and is no longer a part of your life or young Stu's life. That was a rough time, and you got into a problem with cocaine and alcohol. You signed over custody of Stu to Morgan's parents, Stam and Sissy, so that you could get your life together. Young Stu has been living with them ever since.

You went through a treatment program and have your life straightened out. You are now renting an apartment, working in a large, chain appliance store, and have lined up daycare for Stu at a place that can handle his special needs (hyperactivity and a possible learning disability). You don't visit Stu too often, only about once every other week, because it feels weird at Morgan's parent's home. You have taken Stu away for a few hours at a time to play, to get something to eat, or to visit your parents, etc. Stam & Sissy seem overly protective. Maybe they are trying to make up for how Morgan turned out.

Your concerns: You feel remorseful about having been on drugs and having given up Stu three years ago. Now you feel stronger, have stopped using cocaine and never really had a drinking problem—just a beer every now and then. You have different friends now which you know are a better influence on you.

Current goals for mediation: You want to be a real mom and have Stu back in your house and under your care.

Grandparents (Continued)

✕

Stam and Sissy Parker (in your 50s)

You are Morgan's parents and grandparents of Stu. You have been caring for your grandson for the past three years, ever since Morgan left Sue and moved out of state. You haven't heard from Morgan in over two years. When Morgan left, Sue had a drug problem and voluntarily gave you custody of young Stu in order to care for him. You assumed that raising Stu would continue to be your responsibility.

Lately Sue has been talking about wanting Stu back. You both believe its best to keep Stu with you. You know how to care for a child (Morgan didn't come out so well but you have learned from your mistakes). Little Stu has become the center of your life. Someone is always home to be with Stu and you can provide him with what he needs.

Stu is hyperactive, easily excited, and has a possible learning disability. According to the doctor, he will require special education for at least a few years and may need medication.

Neither of you has anything against Sue (although she did abandon Stu three years ago). She is nice enough—but is still too young and flighty to care for Stu full time. Sue has come to the house a few times to visit him, but it hasn't worked out that well. She doesn't seem comfortable with him. Sue took Stu away a few times but he is usually pretty unruly when he is returned home.

Current goals for mediation:

You have invested much of yourselves in raising young Stu and really don't want to give him up. You might be willing to let Sue have more time with Stu if she could show that she can handle him and also show that she has really settled down. Sue is growing up but still has a way to go.

Musical Partners

Intake Information for Mediator

Randy (31) and Renee (32) are not married. They had been living together for five or six years and separated four or five months ago. They had a compatible and flexible relationship but began to grow apart after having a child. They had an open relationship and both occasionally saw other people. Their daughter, Ramona, is 2½ years old.

They heard about mediation from a friend who found it helpful. Randy's parents and Renee's parents are urging each parent to go to court to get full custody. Randy believes he would be a great "at home" parent since he is a musician and works mostly on weekend nights. Renee, an aerobics instructor, thinks Ramona needs a mother most at this young age.

Both parents have new lovers. Ramona is currently with Renee all the time except when Randy and Renee arrange otherwise.

Musical Partners (Continued)

✕

Randy

You (age 31) and Renee (32) are not married. You lived together for five or six years and separated four or five months ago. You had a compatible and flexible relationship at first, but began to grow apart after having a child. While together, you occasionally saw other people, and that was acceptable to both of you. Your daughter, Ramona, is 2½ years old. You heard about mediation from a friend who found it helpful.

You believe you would be a great "at home" parent since you are a musician and work mostly on weekend nights. Renee, an aerobics instructor, thinks otherwise.

You are a member of an acoustic rock band, drive a van, and like to play at weekend music festivals. You also play at local restaurant/bars regularly, and sometimes the band practices at your house—a garage apartment.

You and Renee both have new lovers. Ramona is currently with Renee all the time except when you and Renee arrange otherwise.

You care deeply for Ramona and played a big role in caring for her during her baby years—often taking care of her while Renee taught aerobics classes or worked out.

Your concerns: Although you separated several months ago, you still care for Renee and would consider getting back together if things could be worked out. But it seems that you can't communicate anymore without having a huge argument. You would at least like to make plans with Renee regarding Ramona.

While you have loved and cared for Ramona as your own, you are not 100% positive that she is your daughter and you would like that confirmed before any kind of formal child support process is established. If Ramona is your daughter, you are willing to support her and be very involved in her life.

Ramona lives in Renee's home, and you would like to have more time with her—even to the point of having her in your care full time. It hurts that Renee gets a baby sitter for Ramona during the day when you could easily keep her. Your parents are strongly encouraging you to obtain sole custody and give Ramona a "normal" life. They are eager to help with caring for her while you work if you can get more time with her.

Since you don't earn a lot of money and don't want to be preoccupied with trying to earn more money than is necessary to get by, it makes sense to have Ramona living with you rather than paying child support to Renee.

Musical Partners (Continued)

✕

Renee

You (age 32) and Randy (31) are not married. You lived together for five or six years and separated four or five months ago. You and Randy had a compatible and flexible relationship for several years. While together, you occasionally saw other people, and that was acceptable to both of you. Your daughter, Ramona, is 2½ years old. You heard about mediation from a friend who found it helpful.

Randy believes he would be a great "at home" parent since he is a musician and works mostly on weekend nights. You and Randy both have new lovers. Ramona is currently with you all the time except when Randy and you arrange otherwise.

You eat healthy food, sing, and are an aerobics instructor. After Ramona was born, you and Randy grew apart and finally separated several months ago. You believe it is important that Ramona spend time with her father but you also believe that Randy's life style isn't a good influence on a little girl—smoky night clubs, loud music, boisterous people. Ramona is closely bonded to you and you believe your daughter needs to be with you certainly during the first part of her life. You know that Ramona is definitely Randy's child; she has his nose and eyes.

Your concerns: You need help with Ramona during the day when you are teaching classes or working out and sometimes at night when you want to go out with your friends. Usually you ask your parents to baby sit, which they love to do. Your parents are strongly encouraging you to obtain sole custody and give Ramona a "normal" life.

You still care for Randy but it's hard to talk to him. It's simpler to make decisions about Ramona on your own and not to have to argue over money or the care Ramona needs.

You have trouble making ends meet and depend on your parents for help with bills. You believe that Randy should pay child support to help with Ramona's expenses. You consulted briefly with an attorney and were told that Randy should pay approximately \$75 per week. Randy's low income doesn't reflect his true earning potential.

Artists With Antiques

Intake Information for Mediator

Glen and Glenda are both in their early 30's. Glen is an actor, a creative type. Glenda is a travel agent. She likes the exotic and is very organized and detail oriented. They have one child, Simon (age 4), the apple of both of their eyes, and an old house in which Glenda lives. The house is filled with antique furniture. Simon goes to a daycare center in town, across the street from Glenda's job.

Glenda and Glen separated four months ago and have property and child-related issues to settle.

Artists With Antiques (Continued)

✕

Glen

You and Glenda are both in your early 30s. Glenda is a travel agent. She likes the exotic and is very organized and detail oriented. You have one child—Simon (age 4), the apple of your eye, and an old house in which Glenda lives. The house is filled with antique furniture. Simon goes to a daycare center in town, across the street from Glenda's job. You felt stifled in the relationship, strangled by the orderliness of your lives, and frustrated by Glenda's mother always intervening.

You and Glenda separated four months ago and have property and child related issues to settle.

You are an actor, a creative person. You work in summer theater and teach acting at the local college. You are very fond of Simon and spent a great deal of time with him when he was a baby. Now that you are separated, you want to continue to spend as much time with Simon as possible.

You see Simon five to six times during the week, sometimes during the day and other times in the early evening. Since your acting schedule during the summer varies a good deal, and your classes vary during the school year, you need flexibility to be able to spend time with Simon.

The house was appraised recently at \$55,000, and your best guess is that about \$28,000 is still owed on the mortgage. You helped the carpenters do some repairs on the house for about two-to-three months, and you think you should be compensated in some way for the work you put into the house personally.

Glenda and you own a seven-year-old Honda Accord and a four-year-old Mazda pickup truck, which you drive and continue to make payments on. You owe \$1100 on the truck, and know the Blue Book value is \$4200. The Honda is worth about \$2400. The antiques and household items include three rocking chairs, a hutch, bread board, oak dining table and eight oak chairs, and a china cabinet. You also bought an antique gun rack that needs refinishing.

Your concerns: You pay child support regularly (\$75/wk), but your finances are stretched. You need a settlement for your portion of the house and also need furniture—a bed, couch, table, a few chairs, certain antiques that you refinished, the stereo system and half of the CDs. You want continue to be a very important person in Simon's life.

Artists With Antiques (Continued)

X

Glenda

You and Glen are both in your early 30's. Glen is an actor—a creative type. You are a travel agent—you like the exotic and are very organized and detail oriented. You have one child, Simon (age 4), the center of your life, and an old house in which you live. The house is filled with antique furniture. Simon goes to a daycare center in town, across the street from your job.

You and Glen separated four months ago and have both property and child-related issues to settle.

Simon is your reason for being, and you have oriented your life around him at this young age. You are concerned about Simon being around some of Glen's friends and the drinking and smoking that sometimes goes on in his apartment. Simon needs consistency in his life—in terms of bedtime, meal time, what he eats, and other aspects of his care, including Glen's girlfriend caring for him when Glen leaves his apartment.

You are living in the house that you and Glen bought together about nine years ago. Based on other similar houses that have sold in the neighborhood, your estimate of the value of the house is about \$54,900. It was originally purchased for \$35,125, including closing costs. \$29,785 remains on the mortgage. You want to stay there and believe that Simon should stay there too. The house is an important stabilizer in his life; he was born there. You are willing to share the profits with Glen proportionate to the time you spent together if/when you sell the house in the future.

Most of the furniture has not been divided up yet and includes an oak dining room table and chairs, several beds, a hutch, a bread board, a china cabinet, TV and CD player. You worked on most of the antiques, refinishing them. The value of most items has increased due to this work.

Together you and Glen own a seven-year-old Honda and a four-year-old Mazda pickup truck which Glen drives, and you hope he continues to make payments on. Approximately \$1,000 is still owed on the truck. The Honda, which you drive, has been paid off and is worth about \$2000.

Your concerns: You are fed up with Glen's flaky ways. You want to define a dependable routine that you and Simon can count on. You also want more of a personal life. Glen still drops by the house to see Simon—sometimes he calls ahead and sometimes he says he forgot—but you want your own private life.

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You want to straighten out the property issues.

One In The Basement

Intake Information for Mediator

Jennie and Bryan have two children, 8-months-old and 5-years-old. Bryan is finishing a degree in special education, and Jennie has been spending the past five years working in the home as a full-time parent and as a part-time self-employed accountant. Jennie has decided that the marriage is no longer working. While Bryan would like to reconcile if possible, he recognizes this is not possible if it is not a goal shared by Jennie. Bryan has moved to a spare room in the basement, and both parents want to make plans to separate in four to six weeks.

One In The Basement (Continued)

✕

Jennie

You and Bryan have two children—Marcie (8-months-old) and Rick (5-years-old). Bryan is finishing a degree in special education, and you have been spending the past five years working in the home with the children and as a part-time self-employed accountant.

You have decided that the marriage is no longer working. While Bryan would like to reconcile if possible, he seems to recognize this is not possible if it is not a goal shared by you. While you know Bryan is a good father, and you don't mean to hurt him, you realize you have changed and no longer want Bryan as a major part of your life. Bryan has moved to a spare room in the basement, and you and Bryan have discussed moving to separate residences in four to six weeks.

Bryan will be finishing school at the end of the quarter. You hope he will find a teaching position quickly in order to help support the children. Bryan has a part-time job at Radio Shack.

You want to stay in the apartment because the rent is only \$225/month, and it is home to the children. Due to Marcie's age, you don't believe she should spend overnights away from you.

Your part-time income is barely enough to pay the rent and buy groceries. You definitely need financial help from Bryan to pay other living expenses.

Current goals for mediation:	Define date of separation. Define schedule of Bryan's time with the children. Work out a plan regarding finances.
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One In The Basement (Continued)

Bryan

You and Jennie have two children—Marcie (8-months-old) and Rick (5-years-old). You are finishing a degree in special education, and Jennie has been spending the past five years working in the home with the children and as a part-time self-employed accountant.

Jennie surprised you several months ago by saying the marriage was no longer working for her and a week ago said she wanted to separate. Although you would like to reconcile if possible, you recognize this is not possible if it is not a goal shared by Jennie. Maybe she will change after some time passes. Last week you moved to a spare room in the basement. Jennie and you want to use mediation to plan to separate in four to six weeks.

You have been living in this apartment for the past seven years and have a great relationship with your landlord. You are skilled with your hands, and the apartment owner has kept your rent at \$225 because you help fix things in neighboring apartments. Since the apartment was your home prior to your marriage, and Jennie wants to separate, it makes sense that she should move.

You expect to graduate at the end of the term but have heard that special education teaching positions are scarce in this area. You may have to move to a rural community, which would mean being a distance away from the children. You wonder, "How can I be a real father and live 50 or 100 miles away from the children?"

You love your children and want to be near them. You would like to have them with you as much as possible during the week and for longer periods during weekends.

You have been working part-time at Radio Shack while attending classes. Your take-home income is \$160/week.

Current goals for mediation:	Define schedule of your and Jennie's time with the children after the separation and clarify where Jennie will live after the separation.
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Girlfriend

Intake Information for Mediator

Chris and Annie are the unmarried parents of Rose (age 3) and Darryl (age 8). Chris is a surveyor and has often been away for three to four days at a time due to his work. Annie is hoping to move up to assistant manager at Taco Bell and depends on her mother to watch the children when she can't be with them. Annie discovered recently that Chris has not always been working when he was away and that he has been seeing a woman in a nearby town. Annie has decided that she can no longer live with Chris if he intends to continue this other relationship. Chris is apparently unwilling to stop seeing the woman. Annie has initiated mediation to discuss the separation.

Girlfriend (Continued)

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Annie

You and Chris are the unmarried parents of Rose (age 3) and Darryl (age 8). Chris is a surveyor and has often been away for three to four days at a time due to his work. You are hoping to move up to assistant manager soon at Taco Bell, and you depend on your mother to watch the children when you can't be with them.

You discovered recently that Chris has not always been working when he was away and that he has been seeing a woman in a nearby town, Jan. You decided that you can no longer live with Chris if he intends to continue this other relationship. Chris seems undecided. He's unwilling to say he will stop seeing the woman. You have initiated mediation to discuss the separation and especially arrangements concerning the children's time with Chris. Maybe Chris will come to his senses. You and Chris have not separated yet.

Chris and the children are very close, and you do not want to do anything to create distance between them. You do not want the children around the other woman—at least until you meet her at some point to find out what kind of person she is. You feel too fragile and hurt to even think about meeting her now.

Your mother and Chris have never gotten along very well, and she is very angry at what Chris has done. Your mother is a very punctual, detail oriented person.

Since you work from 2 p.m. until 9 p.m., Tuesdays through Fridays and either Saturday or Sunday each weekend, it makes sense that Chris could be with the kids while you are at work. This would take some of the child care load off your mother.

Current goals for mediation:	Define a schedule of Chris's time with the children and keep the children away from the other woman.
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Girlfriend (Continued)

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Chris

You and Annie are the unmarried parents of Rose (age 3) and Darryl (age 8). You are a surveyor and often are away for three to four days at a time because of your work. Annie works at Taco Bell and is hoping to move up to assistant manager. Annie's mother has cared for the children when neither you nor Annie could care for them.

Annie discovered recently that you have been seeing a woman in a nearby town during some of the days you have been "working." Your friend's name is Jan. Annie became very upset and decided that she can no longer live with you if you intend to continue this other relationship. You feel torn and are not willing to stop seeing Jan. Annie has initiated mediation to discuss the separation, and you have agreed to try mediation if that is how she wants to deal with this. You and Annie have not separated yet.

You have talked to an attorney and understand that you will be required to pay child support. Work is slowing down, and your income will decrease. You have thought about moving in with Jan, but she lives 60 miles away. The other option is to move in town with your parents, but they don't approve of what has happened, and it will be awkward having them watch over your life. Figuring out where to live is a real problem.

You realize that Annie feels hurt but you are close to your kids and believe this separation should not affect your relationship with them. Since your work schedule varies, you want to establish a flexible schedule regarding the kids. They are old enough to be with you overnights. During the summer, Darryl might even accompany you on some of your jobs.

Current goals for mediation: Define a schedule of Annie's and your time with the children.

Professional Parents

Intake information for Mediator

Albert and Charlotte were married for 13 years and have three children—Tiffany (age 6), Charles (age 10), and Melody (age 12).

Albert is an attorney, and Charlotte is a child psychologist and family therapist. Albert and Charlotte have been divorced for two years but disagreements have surfaced regarding the custody and visitation schedule.

Previous arrangements were defined by agreements reached through the parties' attorneys but in a highly contentious atmosphere on the same day they were scheduled for a court hearing. Albert was not interested in appearing in court and conceded more of the children's time to Charlotte than he actually desired.

Albert, through his attorney, has scheduled a court hearing to change custody and visitation arrangements. Charlotte inquired about mediation, and an appointment was scheduled after an intake telephone conversation with each parent.

Professional Parents (Continued)

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Albert

You and Charlotte were married for 13 years and have three children—Tiffany (age 6), Charles (age 10), and Melody (age 12). You are an attorney, and Charlotte is a child psychologist and family therapist. You have been divorced for two years.

After much thought, you have decided that now is the time to upgrade the existing custody and visitation schedule to be fairer to you. Previous arrangements were defined by agreements reached through your and Charlotte's attorney, but in a highly contentious atmosphere on the same day of a court hearing. That was a crazy time, and you were not interested in having all of your marital problems revealed in open court. As a result, you conceded more of the children's time to Charlotte than you actually desired.

Now, through your attorney, you scheduled a court hearing to change custody and visitation arrangements. Charlotte inquired about mediation, and you agreed to an appointment following a telephone conversation with the mediator.

Recently you remarried. Ashley, your new wife, loves your children, and your children seem comfortable with her. You have been seeing the children on alternate weekends and every Wednesday night, in addition to a month during the summer and about half of the holidays.

You want to redesign the visitation arrangements and understand that legally there is nothing to stop you from having the children with you 50% of the time. You also want to reduce or eliminate discussions with Charlotte regarding vacations and holidays. It would be so much easier to simply have the schedule defined so that you and the kids know what to count on and avoid all the special arrangements and fine tuning that Charlotte inserts into everything.

Goals for mediation:	Have the children at least 50% of the time and have a set annual vacation and holiday schedule that will not be adjusted or have the children live with you and visit Charlotte.
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Professional Parents (Continued)

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Charlotte

You and Albert were married for 13 years and have three children—Tiffany (age 6), Charles (age 10), and Melody (age 12). Albert is an attorney, and you are a child psychologist and family therapist. You have been divorced for two years but recently disagreements have surfaced regarding the custody and visitation schedule. Previous arrangements were defined by agreements reached through your attorneys but in a highly contentious atmosphere on the same day of a court hearing. Albert was not interested in appearing in court and conceded more of the children's time to you than he actually desired.

Now, through his attorney, Albert has scheduled a court hearing to change custody and visitation arrangements. You inquired about mediation, and an appointment was scheduled after a telephone call with a mediator.

Albert has been seeing the children on alternate weekends and every Wednesday night, in addition to a month during the summer and nearly every other holiday. Since your divorce from Albert two years ago, tension seemed to have lessened as Albert and the children settled into the routine of seeing each other according to the schedule that was specified in the custody papers. When he stated two months ago that he wanted the children 50% of the time, you felt surprised and frustrated.

Communicating with Albert has never been easy, and his request is simply out of the question. Your professional training and experience as a mother convince you that the children need to be grounded to a home and to a primary relationship with a parent if they are to develop normally. It is not healthy for the children to go back and forth between both homes—becoming suitcase kids—and have to conform to different routines and expectations in each home.

The children enjoy being with their father, and they know he loves them. The children also get along with his new wife, Ashley. He is a good father but he does not understand the children's developmental needs. He also needs to understand that the children's interests and activities are important to them and may not always coincide with what he wants to do with them.

Goals for mediation:	Maintain the current visitation schedule or agree to make changes so that Albert will be with the children during occasional three day weekends and maybe another week during the summer.
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Family Blending

Intake Information for Mediator

Cindy and Todd have been separated over a year and are divorced. Todd has recently remarried. Todd and Cindy have two children together—Amy (12) and Ben (16). They were referred by their attorneys for mediation.

Cindy (47) is a social worker and Todd (49), an account executive. Todd has filed a Motion seeking full custody of both children and a decrease in child support.

During intake you learn that Cindy has not remarried, that Todd's new wife has two young children, and that she and Todd would really love to welcome his kids into their home, now that they are settled down and have plenty of room for them. Cindy wants to continue raising her children herself. She is concerned about the kids being pulled in two directions.

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Family Blending (Continued)

✂

Cindy

You are a working, single mom, and a social worker (47). It is hard to juggle home and work, but you are doing okay with it and do your best to provide a stable and loving home for your kids.

You and Todd separated over a year ago and are divorced. Todd has recently remarried. You and Todd have two children together—Amy (12) and Ben (16).

Todd (49), an account executive, has filed a Motion seeking full custody of both children and a decrease in child support. Your attorneys referred you to mediation.

You resent Todd's new wife, Virginia, wanting to take your place and also resent the fact that they can buy the kids more things. The kids don't need things, they need attention and love.

Todd was verbally abusive to you several years back and slapped you a few times, which led to the separation and divorce. There has not been recent abuse, but you think your household is a better environment for the kids.

You are worried about Ben—whether he's doing drugs with his friends and skipping school. He needs to spend more time with his dad; they have a good relationship, and Ben respects Todd.

Amy is insecure but a great kid. She does not do well with frequent changes and is much more comfortable with you than Todd. She feels left out of Todd's new life. (Virginia has two young children from a previous marriage).

The kids currently spend Saturday afternoon through Monday morning with Todd.

Amy (12) is not happy about Todd's remarriage. She doesn't get the attention she used to from him. He's always taking care of the younger kid's needs. She is into dance and softball, is kind of quiet, and good in school.

Ben (16) is independent and has a "doesn't care much" attitude about a lot of things. He's on his own a lot, especially now that he has his driver's license and an old car. He's interested in girls, cars, and basketball. He's pretty close to Todd, but lately hasn't had much time to spend with him alone, like they used to.

Current goals for Mediation: Maintain the *status quo* if possible, OR make sure the kids needs are well met, and decisions are not made purely because of financial considerations.

Family Blending (Continued)

X

Todd

You and Cindy separated over a year ago and are divorced. You have recently remarried to Virginia. You and Cindy have two children together—Amy (12) and Ben (16). Virginia has two young kids from a previous marriage.

You are an account executive (49) with a strong, at times overbearing, personality. You recently filed a Motion seeking full custody of both children and a decrease in child support. Your attorney referred you to mediation.

You currently spend Saturday afternoon through Monday morning with both children. This arrangement was a compromise from an initial request for joint custody with equal time for both parents.

You are successful in your work and have recently remarried. Virginia, your new wife, has two young children and doesn't work outside the home. She loves your kids and is able to care for them—cook good meals, do laundry, drive them places, take them shopping, etc., whereas Cindy is often away from her home because of her work.

You think it's time for the kids to have a stable family situation. You would like to reduce your child support payments now that you have a larger family.

The kids seem to enjoy spending time with you, and Ben confides in you. Amy is quieter, but she has always been that way. They both do well in school, but Ben's grades have been slipping lately. You think a change would be good for Ben, even though the younger children get on his nerves.

Amy (12) is not happy about Todd's remarriage. She doesn't get the attention she used to from him. He's always taking care of the younger kid's needs. She is into dance and softball, is kind of quiet, and good in school.

Ben (16) is independent and has a "doesn't care much" attitude about most things. He's on his own a lot, especially now that he has his driver's license and an old car. He's interested in girls, cars, and basketball. He's pretty close to Todd, but lately hasn't had much time to spend with him alone, like they used to.

Current goals for Mediation: You would like to reduce child support payments and reconnect with Ben.

Fudgeworks

Intake Information for Mediator

Mel and Melinda (both in their early 40's) are separated after three years of marriage. This is the second marriage for each. They have no children together. From their previous marriages, Mel has a 10-year-old son, and Melinda has two daughters, ages 7 and 9.

Mel and Melinda need to make decisions regarding a business, Fudgeworks, and home improvements made during their marriage. Mel began Fudgeworks with a partner after he and Melinda had been married a year. Melinda worked at the business for 1½ years, without pay. Mel supported Melinda and her children from his job selling real estate and from small profits from Fudgeworks. Also during their marriage, Mel made improvements on his home, where they lived, to turn the upstairs into an apartment.

There was marital stress from having Melinda's two children in the home. Mel never really took an interest in their care or upbringing and felt taken advantage of by supporting them. Their father didn't pay any child support.

Melinda feels entitled to some compensation for her time at Fudgeworks and to some compensation for increased value in the home from the renovations.

Fudgeworks (Continued)

✂

Mel

You and Melinda (both in your early 40s) are separated after three years of marriage. This was the second marriage for both of you. You have no children together. From your previous marriages, you have a 10-year-old son, and Melinda has two daughters, ages 7 and 9.

You and a partner opened a small business, Fudgeworks, after you and Melinda had been married a year. Melinda worked at the business for about a year, without pay. You supported Melinda and her children from your job selling real estate. Profits from Fudgeworks were returned to the business. During this marriage, you made improvements on your home to make room for Melinda's daughters, who lived with you half of the time, and to turn the upstairs into an apartment.

You never really took an interest in the care or upbringing of Melinda's daughters and felt taken advantage of by supporting them. Their father didn't pay a nickel in child support. You always resented the fact that you paid child support for your son, and Melinda's ex-husband paid none. You fed, housed, and clothed her children when that wasn't your responsibility.

You appreciate Melinda's contribution to the business, but it made so little profit the first 1½ years that no one got paid, not you, or your partner, or Melinda. For a long time you had a dream of running a successful chocolate business with your partner. Now it is happening, and you don't intend to let it go, but you do feel you need to be fair to Melinda about her investment of time. If you owe her money for home improvements, you want to be fair about that too.

Fudgeworks has been appraised recently by an accountant friend who valued it at \$9,000, not including the equipment, which was very expensive but has resale value in the amount of the debt on it.

You bought the house 4 years ago for \$65,000. With improvements, you think it is now worth \$85,000. You took out a second mortgage to finance improvements. You owe \$12,000 on the second mortgage and \$59,000 on the first mortgage.

You feel a bit guilty about the marital break-up, since it was all your idea. You want to be fair, but you only have \$500 in savings. Your income is \$2,500 per month from real estate, \$400 per month from rental of the upstairs apartment, and \$500 per month from Fudgeworks.

Current goals for mediation:

You want to be fair to Melinda and don't want to take advantage of her. You feel you owe her something, but also want to be acknowledged for supporting her kids during the marriage.

Fudgeworks (Continued)

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Melinda

You and Mel (both in your early 40s) are separated after three years of marriage. This is the second marriage for both of you. You have no children together, but from previous marriages, Mel has a 10-year-old son, and you have two daughters, ages 7 and 9. Mel never really took an interest in your daughters' care or upbringing. Their father didn't pay child support.

After a year of marriage, Mel and a partner began a small business, Fudgeworks. You worked at the business for almost two years, without pay, while Mel sold real estate.

During the marriage, Mel made improvements on his home, where you, Mel, and your daughters lived, to expand the downstairs and turn the upstairs into an apartment. You feel entitled to some compensation for your time at Fudgeworks and for increased value in the home from the renovations.

The business and renovations took their toll on your marriage to Mel. You were committed to the marriage, and he pulled the rug out from under you when he said he didn't want to be married to you. You gave it all you had—you even left your secretarial job to work at Fudgeworks. You didn't take pay, because you were helping to build the business that would later provide income. You feel it was only fair that Mel paid for living expenses while you worked for him for free.

You want to go back to college, which is where you were when you first met Mel. Now you're further behind and will have to repeat classes. You feel entitled to some share in Fudgeworks.

You also feel entitled to a share of the increased value of the house, since you put up with the disruption of renovations, and often you were the one to deal with the carpenters, plumbers, inspectors, electricians, etc.

Even if your ex-husband did pay child support, it wouldn't amount to much, since he doesn't have a good job. He keeps the kids half the time, so you don't think you're even entitled to child support.

You have no idea what the value of the house or business are.

Current goals for mediation:

You want fair compensation for your input into Fudgeworks and the home improvements. You would like to have financial help in your return to college.

Complex Court Cases

Satellite Dish

General Facts for Parties and Mediators

This case involves neighbors in conflict over the placement of a satellite dish cable. Plaintiff Chris Jones has sued neighbors, Dale and Aaron Blair, for actual damages in excess of \$10,000 for assault and battery and intentional infliction of emotional distress, and for punitive damages.

Jones alleged that the Blairs cut Jones' satellite dish cable, which s/he had run under the Blairs' driveway. The Blairs' driveway runs between two pieces of property owned by Jones. The satellite dish itself is located on Jones's property.

The Blairs have asserted a counterclaim against Jones for trespass for running the satellite dish cable under their property and for assault and battery. The Blairs assert that Jones punched Aaron Blair in the mouth. The Blairs are asking for actual and punitive damages for the assault, and damages for emotional distress.

The Blairs were initially represented by an attorney in this case, but by the time of the mediation, their attorney had officially withdrawn from the case. Jones is represented by an attorney, who wishes to be present for all discussions with Jones because Jones is hard of hearing.

Satellite Dish (Continued)

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Plaintiff Chris Jones

You are elderly but have perfectly good hearing for those that are worth listening to. The Blairs do not fall into that category. They are newcomers, having bought their land from Mrs. Craig twelve years ago. They are stubborn and self-righteous people, with no concept of how to be good neighbors. They have church meetings at their house but have never given you the time of day, except to complain about your trespassing on their land or blocking their driveway with cars (your relatives come visit often). Mrs. Craig, who died in a nursing home shortly after selling the property, never had those problems with you.

The Blairs went too far when they tried to run you over with their truck one day when you were minding your on business, crossing from one side of your property to the other, over their driveway. You have a right of way, given to you by Mrs. Craig and recorded in the deed book. Mrs. Craig allowed you full access, never complaining.

The near miss by the Blair's truck scared you silly. You did swing at Aaron Blair through the window of his truck but he cut his own lip on the dashboard—you didn't even make contact with him. When they drove off, your arm was still inside the truck. You lost your footing, stumbled and fell. You experienced severe pain and later called an ambulance to take you to the emergency room, where you learned you had a broken rib. You stayed in the hospital overnight, were given pain medication, ordered to take substantial bed rest, and referred for physical therapy. Your medical bills total about \$6,000. They are 80% covered by medical insurance.

You ran the satellite dish under the Blairs' driveway because it allowed you to place the dish in a prime location at the top of your garden, and you didn't see that it did the Blairs any harm. They wrote to say that they were going to cut the cable if you didn't move it, but you refused to give in to their selfishness. Besides, it would have cost about \$700 to move the cable and the dish. You are really upset that they cut the cable, leaving you unable to watch your favorite preaching programs.

You don't mind moving the satellite dish, but you'd like them to pay for it. You think they went too far in cutting the cable. Your attorney told you that you may have trouble recovering for your broken hip since you contributed to the injury by reaching into the truck. You've had nightmares since the incident, and the attorney fees are adding up. At this point, you're ready to have this whole thing over with.

Satellite Dish (Continued)

✂

Defendants Dale and Aaron Blair

You are God-fearing people and deeply involved with your church. Both of you are qualified to preach, and you hold prayer meetings at your house every Wednesday night. Chris Jones is a stubborn old wo/man who is nearly deaf and who you believe is insane. There are all kinds of people at his/her house, and you have no idea what their relationships are. Jones frequently uses swear words and has never shown you any neighborliness at all. Jones's companions park their cars in your driveway, blocking the only entrance to your land for you and your guests.

Jones has a so called "right of way" to your driveway, and you would like to sue the closing attorney for not explaining that to you. You bought your land 12 years ago from Mrs. Craig. You pay the taxes on the driveway and don't see why Jones should be able to use it. At the very least, you insist that any right of way is limited to going up and down the driveway, not across and certainly not underneath it. You believe you were perfectly within your rights in cutting that cable, especially after giving two weeks written warning. Besides you are sure that Jones is watching nothing but pornography on TV. You don't watch any TV.

You feel totally harassed by this lawsuit and by Jones in general. Aaron Blair did accelerate somewhat as Jones was sauntering over your driveway, after you had repeatedly warned him about trespassing on your property. You couldn't believe it, however, when Jones swung at Aaron Blair through the truck window. Blair hit his lip on the dashboard and had to go to the emergency room for stitches.

The medical bills for Aaron's treatment totaled nearly \$500. The shock of the assault and the anxiety over this situation have worsened Aaron Blair's heart condition. When you drove off, Jones stumbled and fell, and now claims to have broken a rib.

By your nature you are not inclined to pay Jones one cent for damage to his satellite dish cable, or for medical bills, which you think are covered by insurance. However, you have already paid over \$2,000 in legal fees to your former lawyer whom you have fired.

You realize your legal fees are high, but you don't like to be taken advantage of. You would like to have this case resolved in mediation because you don't want to have to hire another lawyer and pay even more in fees, and you realize that you may have some liability. You do have a real good out-of-town lawyer in mind to hire if you do have to go to court.

Disco Fever

General Facts for Parties and Mediators

Plaintiff Laurel Ledge Villas, Inc., an apartment complex catering primarily to retirees, has sued Defendant Jody Jarvis, owner and operator of Disco Fever, for a restraining order and for damages in excess of \$10,000, claiming that Jarvis's night club is a nuisance, is in violation of local noise ordinances, and has damaged Villas ability to attract and retain tenants.

Disco Fever night club is located across the street from the Villas, buffered by a line of trees on the edge of the Villas grounds. The night club is located in a commercial zone, bordering the residential area in which the Villas are located. There is a town ordinance outlawing any noise in excess of 92 decibels.

The Villas and the night club are on opposite sides of a busy street that has grown commercially in the last five years. The street was recently widened to accommodate the increased traffic.

Laurel Ledge Villas, Inc. is represented at the mediation by its in-house counsel and by Sandy Davis, manager of Laurel Ledge Villas. Disco Fever is represented by its owner/operator Jody Jarvis and a local attorney.

Disco Fever (Continued)

✂

Plaintiff Laurel Ledge Villas, Inc. (Manager Sandy Davis)

Laurel Ledge Villas, Inc. has traditionally catered to elderly retirees since opening ten years ago. The Villas are conveniently located near a large hospital and other health care providers. The complex is also on a bus line, which is convenient for tenants who no longer drive. The Villas was perfectly suited for the retirement community until six months ago when Disco Fever opened for business. While the Villas does border a commercial zone that has become steadily busier over the years, there has never been anything nearly as disruptive as Disco Fever.

The night club blasts music loudly from 8:00 p.m. until 2:00 a.m., Tuesday through Saturday, and on Fridays and Saturdays the disco projects a moving strobe light onto the evening sky. The clientele are primarily young adults dressed in all kinds of tight-fitting, wild-looking clothes. The place is smoke filled and alcohol runs freely. Clients scatter out into the parking lot, carrying on their boisterous behavior in full view. The strobe light is disrupting the mountain view from the balconies of the apartments. This, combined with the incessant disco beat, has proved unbearable to at least seven long-term tenants so far.

Business has actually been falling since the widening and increased commercialization of the street, starting around five years ago. The Villas just hasn't been able to attract the same caliber of tenant, and rents have remained flat, even though rents in the town as a whole have increased. You are sure, however, that seven elderly tenants have failed to renew their leases because of Disco Fever. Their combined rents total \$42,000 per year (@ \$500/month x seven people X 12 months). You figure that they each would otherwise have stayed at the Villas until their death or need for long term care. You do not see how you will be able to fill those apartments, given the state of the neighborhood with the influx of Disco Fever. When you have shown the apartments, potential tenants have questioned you about the noise level from the disco and the nature of the disco's clientele.

Several tenants have called the police complaining of the noise. The police have responded, but claim that they do not have the time nor the instruments to monitor the decibel level of the music. One tenant actually went to the club and "raised Cain" in front of the employees and guests. Since the police appear unwilling to intervene, you feel you have no choice but to file a lawsuit in civil court, seeking a restraining order and damages in excess of \$10,000 for lost rents and for the harm to your business.

Disco Fever (Continued)

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Defendant Jody Jarvis, Owner & Operator of Disco Fever

You just opened Disco Fever six months ago and are really excited about the success that you've had so far. Your concept appears to have caught on and appeals to an element of the regional community. You believe that the Villas complaint has more to do with the manager and tenants' disapproval of your clientele than anything. It's a young crowd that dresses to shock and likes to party hard. You believe that the lawsuit is an unfair attempt to drive you, a fledgling business owner, out of business.

Disco Fever is open from 8 p.m. to 2 a.m. Tuesday through Saturday, and projects a colorful moving strobe to attract customers on Friday and Saturday nights.

You are not exactly sure if the decibel level at the night club exceeds the 92 level allowable by the local ordinance. The police have been called on three occasions by Laurel Ledge tenants, but they haven't come down that hard on you. All three occasions were special events that you had scheduled to attract more customers. One was the grand opening, and the others were Mardi Gras and St. Patrick's Day. The crowd did get a little boisterous on those evenings and spilled out more than usual into the parking lot. The worst night was when a raving Villas tenant burst into the night club shouting about the noise and insulting your clientele. This was really embarrassing for you and your staff at the night club.

You would like to establish a decent relationship with the management of the Villas but feel that you have never been taken seriously by them or approached in a business-like manner. The manager never even called you to discuss the problem before filing the lawsuit. The lawsuit has caused you some bad publicity with a couple of articles appearing in the local paper. You would like to clean up this negative image and are willing to work with the Villas, as long as you can continue to realize the concept of Disco Fever.

Stacey R. Shelton V. Sacks Department Stores

General Facts for Mediators

Last year, on December 30, Stacey Shelton was arrested at Sacks Department Stores for shoplifting. Stacey was a high school senior at the time of the arrest. Sacks is a large store in the mall, with merchandise on two floors.

After the shoplifting charge was dismissed by the court, a law suit was filed by Stacey against Sacks Department Stores for false imprisonment, intentional infliction of emotional distress, and abuse of process.

Sacks responded by claiming that their actions were well within reason, that Stacey had, indeed, shoplifted and that the charges were dismissed only because a witness did not appear at trial.

The case was ordered into mediation in an effort to settle the dispute between the parties. Stacey, Maureen (Stacey's mother), and Sacks' Store Manager will attend the mediation session.

Stacey R. Shelton V. Sacks Department Stores (Continued)

Plaintiff Stacey Shelton and Mother, Maureen

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Last year, on December 30, you, Stacey, went to Sacks Department Stores with your friend, Susan, to exchange a pair of \$54 gloves that were a Christmas gift to you from your mother, Maureen. On that day, Sacks was filled with customers taking advantage of sales and doing the same thing you were doing, exchanging gifts.

You and Susan were both seniors in high school at the time, but looked older, more like college students. You and Susan browsed through Sacks, found a large display of leather gloves, and tried some on. You asked a busy clerk for help, and she said to find a new pair of gloves, put the old pair on the table, and take the new pair. If it was an even exchange, according to the clerk, you wouldn't have to go through checkout. You did as instructed, and continued to shop at Sacks. As you began to leave, a security guard approached and said to come with him. You, Susan and the guard went upstairs to Customer Service, where Susan had to wait outside while the guard questioned you.

In the office, the guard asked you to show him the contents of your bag, found the gloves, and asked for the receipt. You replied that you hadn't brought the receipt and that you had exchanged the gloves as instructed by the clerk. You said that if the guard wanted to see a receipt, he could call your mom, who lived 10 minutes away, was at home, and could bring the receipt.

Instead of calling your house, the guard called the Police, who arrested you for shoplifting. You were led outside in handcuffs, placed in a patrol car, and taken to the jail, where your parents had to come to get you. The whole episode was really upsetting and traumatic. You were a good student, from a well-respected family, and had never been in trouble before. Later, Maureen gave Sacks the receipt and told them that if they had called she would have come right over with it.

The charge against you was dismissed when a witness for Sacks did not appear at trial. You sued the store for false imprisonment, intentional infliction of emotional distress, and abuse of process. In their Motion, Sacks claimed that they acted within reason, that you did shoplift, and that the charges were dropped only because the witness did not show up. The case was ordered to mediation.

You are confident, and angry, but not after vengeance. While you want Sacks to pay in some way (attorney fees, damages for emotional distress, false detention, etc.), you also want them to change their policy that prohibits phone calls during this type of interview.

Stacey R. Shelton V. Sacks Department Stores (Continued)

Defendant Sacks Department Stores (Store Manager)

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Last year, on December 30, Stacey Shelton was arrested at Sacks for shoplifting. The 30th is one of the busiest days of the year, and Sacks had extra security in place. Stacey was in Sacks with a young woman. They immediately attracted the attention of Sacks' video surveillance due to the large overcoat worn by Stacey. The two were filmed as they went through the whole store. Stacey was shown trying on expensive leather gloves and dropping a pair into his/her bag. Later, as Stacey started to leave the store, a security guard apprehended Stacey and asked to meet with him/her in Customer Service, and Stacey agreed.

During the interview, Stacey voluntarily allowed the guard to search the bag, whereupon the \$54 gloves were discovered, without any receipt. When questioned, Stacey said there was no receipt and claimed that his/her mother had the receipt. Stacey said that a clerk gave permission to take the gloves in exchange for a pair Stacey had brought to the store.

Stacey's story did not add up. The camera did not show Stacey talking to a clerk, nor did it show Stacey removing any gloves from a bag and putting them on the table. In the guard's opinion, Stacey was acting furtively and suspiciously. Later, the cameraman admitted that he did not have Stacey in view at all times, and that the camera could not capture all that was going on while Stacey and the woman were near the gloves.

Stacey asked the guard to call his/her mother, but the guard refused, because store policy prohibited such calls, to reduce the chance of other incidents arising.

Stacey was polite during the investigation, but the guard felt he had enough evidence to have Stacey arrested. The court could sort through it later to determine guilt or innocence. The next day, Stacey's mother, Maureen, produced a receipt; however, it is Sacks' policy to go through with charges once they are brought. The guard resigned and was not available for court, so the District Attorney dismissed the charges. You, the store manager tried to find a clerk to corroborate Stacey's story, and no one remembered talking to anyone about gloves.

Stacey sued Sacks for false imprisonment, intentional infliction of emotional distress and abuse of process. Sacks responded by stating that the employees' actions were well within reason, that Stacey had, indeed, shoplifted, and that the charges were dismissed only because a witness did not appear at trial. Sacks is interested in settling the lawsuit, if possible, to avoid bad publicity. It turns out that Stacey has a clean record and will make a great witness.

Chez Monteau

General Facts for Parties and Mediators

Plaintiff Randy Green, a waitperson in an upscale restaurant, has sued his/her employer, Chez Monteau, for intentional infliction of emotional distress and negligent hiring and retention in failing to respond to Green's complaints of sexual harassment by J. Monteau, the head chef of the restaurant.

The complaint alleges that over a period of six months Green complained regularly to the manager of the restaurant of sexual harassment of a physical and verbal nature committed by the chef. According to the complaint, when Green refused the chef's advances, Monteau became violent and abusive. Green finally quit his/her job at the restaurant and has been unable to find comparable employment since. Green seeks actual damages for lost wages and mental anguish and punitive damages. Green is represented by an attorney.

The employer, ABC Corporation d/b/a Chez Monteau, claims in its Motion that it is not legally responsible for the chef's behavior, that the behavior was not "extreme and outrageous" enough to support a claim for intentional infliction of emotional distress, that Green did not suffer "severe emotional distress," and that it had no prior knowledge of Monteau's behavior to support a claim of negligent hiring or retention. The corporation is represented at the mediation by the CEO of the corporation, Cary Grimes, and its lawyer.

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Chez Monteau (Continued)

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Plaintiff Randy Green

You are really angry about your treatment at the restaurant and depressed at being unable to find another comparable job in the year since you quit. Chez Monteau is the only restaurant of its caliber in the community. You worked there for one year, earning an average of \$70 in tips per evening, five evenings a week. The best you can do at the local health food restaurant where you have been offered a job is about \$30 per evening, and its not clear whether you would have an all-dinner schedule, like you did at Chez Monteau. You're a night person and can't imagine working breakfast or lunch.

Your treatment by Chef Monteau was really out of line and became intolerable by the time you quit. S/he is the most egotistical person you've ever met. Monteau is pampered by the management because s/he is the reason for the restaurant's success and is a world class chef. In your opinion, Monteau's behavior was inexcusable. Monteau began by putting her/his arm around you whenever you came into the kitchen and then started asking you out. You went out with Monteau once, but her/his egotism was more than you could take. Monteau wanted you to spend the night at her/his apartment the night you went out, but you refused. You somehow made your own way home after having several drinks. Your memory of the evening is not altogether clear.

After your refusal to spend the night with Monteau and repeated refusals to go out with her/him again, Monteau's harassment increased. S/he constantly bumped into you, making sure to touch you inappropriately. Monteau called you "Babe" and other pet names. When you asked Monteau to stop, s/he became red-faced and slammed a very large knife down on the table in front of you. After that, the pet names stopped, and Monteau began whispering obscenities at you under her/his breath when you passed.

Monteau cornered you in the back of the kitchen once at closing time and let you go only when another waitperson unexpectedly came in. You complained to the manager repeatedly about this behavior over the course of six months. The manager told you to grow up and that this was what you should expect in the restaurant business. You began to dread coming to work, were losing weight, and becoming insomniac.

You know that Monteau harassed other employees and believe it is common knowledge to your employer. You think the other employees will back you in your lawsuit. You're sure the waitperson who came in when you were pinned to the wall will testify for you. You do not, however, want to go to trial. You're afraid that you will become the accused at trial and have to defend everything you have ever done. You do not want to work at Chez Monteau as long as Monteau is there, however you need money very badly.

Chez Monteau (Continued)

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Cary Grimes, CEO of Defendant ABC Corporation d/b/a as Chez Monteau

You are the CEO of small corporation that purchased Chez Monteau directly from J. Monteau about a year before the events alleged in the lawsuit. The corporation owns several other quality restaurants in the region that all have their own unique character. Part of the agreement in purchasing the restaurant was that Monteau would stay on as chef. S/he is a world class chef, and the restaurant would not survive without her/him. You know that Monteau has a reputation for running around, but you would not have expected the behavior reported by Green.

You have investigated the facts behind Green's claims and are aware that some harassment probably did occur. One waitperson has told you that he walked into the kitchen after closing time and found Green being cornered by Monteau in the back of the kitchen. Others have complained to you of Monteau's rudeness, temper, and propensity for sexual innuendo. The manager admits that Green reported the incidents more or less as alleged in the complaint over the course of the six-month period prior to quitting. The manager believed that Green was dating Monteau and brushed off Green's complaints.

You are not sure how much you can trust Monteau's word about what happened between her/him and Green. Monteau claims that Green flirted with her/him openly and tried to seduce Monteau on their first date. Monteau says that s/he kicked Green out of his/her apartment that night and has tried to avoid Green ever since.

You are concerned enough about the case that you are inclined to settle it if you can get out for a reasonable amount. You believe that Green may be telling the truth and are upset with the way that the manager handled Green's complaints. It would be unfeasible for you to fire Monteau although you realize that s/he needs to learn to control this behavior or there may be other lawsuits.

Green was a good waitperson during the year that s/he worked at the restaurant, and you could arrange employment for Green at another fine restaurant, if Green were willing to relocate outside of the immediate community to another location in the region. You believe that Green's emotional distress claims are trumped up and that Green has failed to mitigate damages for back pay—you believe that other restaurants would have hired Green if s/he had applied. A year has passed since Green quit.

Bobby Smith Minor Child v. Angles Grocery Store and Fit-Right Products

General Facts for Mediators, Parties, Attorneys, and Insurers

Mrs. Smith was grocery shopping with her two children, Mary (age 15 months) and Bobby (age 3) at Angles Grocery Store on November 10 of last year. While waiting at the checkout counter, Bobby was running around and not under his mother's control. He wandered to the adjacent empty check-out counter and activated the chain-driven belt that causes groceries to move in front of the cashier. The chain caught a finger of Bobby's hand and severed the top joint. He was taken to the hospital by ambulance and underwent surgery to reattach the finger. Ultimately, the reattachment surgery was not successful, and the top portion of the finger had to be amputated. Bobby remained in the hospital a total of ten days, incurring over \$20,000 in medical bills.

Mr. & Mrs. Smith sued Angles for negligence, alleging that they should have anticipated that a child could get his hand caught in the chain and should have protected against it. They also sued Fit-Right Products for manufacturing a product with an unguarded chain, knowing that it could cause this consequence. They are seeking \$1 million compensatory damages and an unspecified amount of punitive damages.

Angles filed an Answer, claiming there was no way they could have anticipated this accident. The mechanism was recessed about 18" under the counter and was not accessible except by a 3" opening that would restrict most anyone from reaching it. In addition, the boy would have to have engaged the "on/off" switch in order to activate the chain, and the event was simply not foreseeable. They also claimed that the mother should have been paying more attention to her son and should not have let him get away from her into the next checkout area. Angles also said that nothing like this had ever happened before.

In its Answer filed with the court, Fit-Right claimed that the product met all government and industry standards, that it had been installed correctly, that the accident could not have been foreseen, and that never in its history of manufacturing this product had anything like this happened before.

All discovery has been completed, and the case is set for trial in four months. The court has ordered the case into mediation in an effort to resolve the dispute among the parties.

Bobby Smith V. Angles Grocery And Fit-Right Products (Continued)

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Plaintiffs (Parents of Bobby Smith) and Plaintiffs' Attorney

On November 10 of last year, Mrs. Smith was in Angles Grocery Store with her two children. Mary (15-months-old) was in the grocery cart, and Bobby (3-years-old) was standing next to his mother at the checkout counter. The clerk was busy checking the items through, and Mrs. Smith had begun to write her check. When Mary started fussing, Mrs. Smith turned her attention briefly to her. In that instant, Bobby, unobserved, got into the adjacent checkout counter, reached under the counter and somehow activated the chain driven belt that moves the groceries in front of the cashier. As he reached under the counter, an unguarded part of the chain caught the fourth finger of his right hand and severed the top joint. He emerged crying and screaming with the joint held on only by a thin flap of skin.

An ambulance was called, and Bobby was rushed with his mother and sister to the hospital where doctors attempted to reattach the joint. He was in the hospital for six days as all waited to see if the reattachment would be successful. Ultimately, circulation problems arose, and the joint had to be amputated. After another four days in the hospital, he went home. The medical bills came to over \$20,000.

The Smiths are distraught that their son will have to go through life disfigured. They are concerned that he will have problems with the use of his right hand because of the loss of the joint. They are also very worried about the long term emotional impact of the trauma, hospitalization, and double surgeries. Mrs. Smith feels slightly responsible for the accident, but when anyone mentions her possible contributory negligence, she gets enraged and strongly denies any wrongdoing at all. Mrs. Smith has taken this case on as a crusade to safeguard children from such risks of harm.

Defendants have jointly offered \$125,000 to settle the case. You rejected that, at least pending the mediation, because you think you deserve more.

Bobby Smith V. Angles Grocery And Fit-Right Products (Continued)

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Additional Facts for Plaintiffs' Attorney

[See also facts for Plaintiffs (Parents of Bobby Smith) and Plaintiff's Attorney]

You acknowledge that this is a very sad case, and you think the sympathy factor for the child could net a good result. There is probably not much potential in the punitive aspect of this case, though you will argue otherwise to the defendants.

Bobby's mother has been a bit of a problem. Maybe she feels guilty about not keeping a better eye on Bobby, but in her crusade against the store and manufacturer, she has not been able to appreciate the risks of appearing greedy in insisting on a recovery of \$1 million, or in going forward with the lawsuit at all if a reasonable offer of settlement is made. Mrs. Smith coldly rejects the notion that any jury would find her in the least bit responsible for the incident.

To its favor, the entire Smith family is well-thought of, devout, and comes across as squeaky clean. They will make excellent witnesses to all the trauma and events at the hospital.

You think you can get your clients to agree to something less than \$1 million, and you believe the case is worth something in the range of \$100,000 to \$300,000.

Bobby Smith V. Angles Grocery And Fit-Right Products (Continued)

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Defendant Angles Grocery Store and Angles' Attorney

At the time of the accident, Mrs. Smith's daughter, Mary, was securely seat belted in a grocery cart. Mrs. Smith lost track of Bobby, who got under the adjacent checkout counter, turned on the switch to activate the conveyor belt, and reached back 18" underneath the counter where his finger got caught in the chain drive. An ambulance was called immediately, and he was taken to the hospital for surgery. Due to circulation problems following the surgery, the top part of his finger had to be amputated. Total medical bills for the ten hospital days and two surgeries are just over \$20,000. The injury, while traumatic, is minor and shouldn't significantly effect Bobby's ability to function.

Angles had signs posted reminding parents to keep their children with them and under their control at all times and that Angles would not be responsible for injuries. Angles believes that if anyone is to blame for the accident, it is Mrs. Smith and Fit-Right. Angles is self-insured, so anything Angles has to pay will come right from its own coffers, and not from an insurance company. Angles does not want to pay anything. However, if push comes to shove, Angles will contribute up to \$50,000, but only if that is equally matched by Fit-Right. Fit-Right is insured by Nationslide, and Angles believes that company should pay the entire settlement or verdict.

Nationslide has said that it will contribute \$75,000 to settle the case.

Though no one believed plaintiff would accept, Angles and Nationslide made a joint offer to plaintiff of \$125,000, which plaintiff rejected. All agreed not to disclose to plaintiff who was contributing what to the settlement proposal. Angles wants to settle to avoid bad publicity; however, Angles does not want to pay more than it stands to lose at trial.

Bobby Smith V. Angles Grocery And Fit-Right Products (Continued)

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Defendant FIT-RIGHT Products and its Isurer, Nationslide

Fit-Right blames the mother for this tragedy. Never in the history of this product has there been a problem. Bobby had to reach underneath an adjacent counter, turn on the switch to activate the conveyor belt, and then reach back 18" underneath the counter to get his finger caught in the chain drive. The small portion of the chain that was not guarded—3"—was insignificant, and was located far enough back to protect from reasonably foreseeable injuries. Bobby's injury, while traumatic, is minor and should not significantly effect his ability to fully function.

Fit-Right needs Angles' business. Last year Angles did over \$500,000 worth of business with Fit-Right throughout the Southeast. Fit-Right cannot afford to lose Angles as a customer. Angles has demanded that Fit-Right take care of the lawsuit, because Angles is self-insured. The long standing relationship between Fit-Right and Angles has been strained over this lawsuit.

Fit-Right's insurance company recognizes the risk in proceeding with the lawsuit, but has evaluated the case, and cannot pay more than its assessment of Fit-Right's potential risk. Fit-Right understands that position, but wants it to reassess the risk and raise the stakes.

Nationslide has said that it will contribute \$75,000 to settle the case.

Though no one believed plaintiff would accept, Nationslide and Angles made a joint offer to plaintiff of \$125,000, which plaintiff rejected. All agreed not to disclose to plaintiff who was contributing what to the settlement proposal.

The trial is scheduled, and the case has been ordered into mediation. You would like to settle, if possible, and maintain your business relationship with Angles.

Penelope Arthur V. Dr. Raymond Owen

General Facts for Mediators, Parties, Attorneys, and Insurers

Penelope Arthur is suing Dr. Owen for negligence in the diagnosis, treatment, and aftercare of Ms. Arthur following the appearance of three blemishes on her face in January, four years ago. In nine months of treatment by Dr. Owen for folliculitis and then actinic keratosis, Ms. Arthur's condition had not cleared up, and had, in fact, worsened, and she was in extreme pain. She changed physicians, and immediately upon receiving treatment for discoid lupus, her condition began to improve, but not without facial scarring.

Ms. Arthur filed suit against Dr. Owen for medical malpractice in an amount in excess of \$10,000. In Dr. Owen's Answer filed in court, he *admitted* all of Ms. Arthur's substantive complaints. The trial is one month away. Discovery has taken over two years. Mediation has been ordered. Dr. Owen's medical malpractice insurance carrier is Allstate, and an Allstate representative will be at the mediation.

Penelope Arthur v. Dr. Raymond Owen (Continued)

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Plaintiff Penelope Arthur and Plaintiff's Attorney

Initially Dr. Owen diagnosed Ms. Arthur's condition as folliculitis and/or actinic keratosis and prescribed an ointment for use as treatment for folliculitis. The ointment was not working, and the size and appearance of the blemishes had worsened when Ms. Arthur saw Dr. Owen two months later. Dr. Owen told her to continue using the ointment and also prescribed a corticosteroid used to treat skin inflammation.

Three months later Ms. Arthur went back to Dr. Owen, and his diagnosis changed to actinic keratosis, a pre-cancerous condition. This time Dr. Owen prescribed Flouroplex which is supposed to "burn-off" the cancerous cells. Ms. Arthur was worried about scarring from the cream after she saw a brochure on the product and asked Dr. Owen about this possibility. He assured her that no scarring would occur, and only the "bad" cells on her blemishes would be affected.

Ms. Arthur had an extreme reaction to the Flouroplex and developed open running sores. She continued to use the cream, though, until she saw Dr. Owen three weeks later. He told her to continue it and that her reaction was a result of how bad the condition must be. He assured her that within three months her face would be cleared up. Dr. Owen did not do any biopsy or other procedure to confirm his actinic keratosis diagnosis.

In three months, her condition had not cleared up, and in fact, the area had become dark and red, with a pus-like area in the middle. The area was cracking, and Ms. Arthur was in extreme pain. When she returned again, Dr. Owen prescribed a moisture cream and told her to stop using the Flouroplex, but could not understand why Ms. Arthur's condition was so bad.

When a new blemish appeared on her neck, Dr. Owen did a biopsy and found that Ms. Arthur did not have the actinic keratitis, but rather discoid lupus which requires a treatment of its own, and since residual scarring may be a major problem, early aggressive treatment is mandatory.

Ms. Arthur changed physicians and is receiving treatment for the discoid lupus. To this date, her face retains some of the blemish, but it is not nearly as bad as it was. Her current doctor tells her that if she had been properly diagnosed by Dr. Owen, and received proper treatment, all her problems could have been alleviated.

Plaintiff wants to settle her case. With the help of her new doctor, her face has improved, and she is ready to get on with her life. She would agree to accept \$250,000 to settle.

Penelope Arthur v. Dr. Raymond Owen (Continued)

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Facts Known to Plaintiff's (Arthur's) Attorney

Defense counsel has not communicated much with you throughout the course of this litigation. You have never talked about the Answer which the defendant filed that *admits* all allegations in plaintiff's Complaint.

Defense counsel, in two years, never filed an Amended Answer, and now the trial is just one month away. All the discovery that has been done has relied on the correctness of the Answer filed by defendant, including the depositions of the plaintiff's experts. Even now, defendant has not filed a Motion to Amend the obviously erroneous Answer.

You, as Plaintiff's counsel, believe that defense counsel will not file an amendment and will rely on the judge to excuse the error at the time of trial. Yet you relied on defendant's Answer in preparing for trial. You looked at the trial calendar, and the judge who is scheduled to hear this case is not known for lenience in matters such as this. You intend to hold defendant's feet to the fire about the Answer.

Penelope Arthur v. Dr. Raymond Owen (Continued)

Facts Known to Defendant's (Dr. Owen's) Attorney

You have no worry whatsoever about the incorrect Answer that you filed in court, in which you *admitted* all the allegations of the Plaintiff instead of *denying* them. Anyone with any sense would know that it was not correct. A judge is bound not to hold you to it. And, you don't give a damn if plaintiff's attorney and expert witnesses did rely on it. That's their problem.

You haven't even bothered to tell Dr. Owen's insurance carrier that there might be a problem with the Answer. You have tried many of these medical malpractice lawsuits and feel confident that you can convince the jury not to pay this girl anything. Whenever someone mentions the problem with the Answer during mediation, you explode and try to shift the focus back onto the deficiencies in plaintiff's case.

Ms. Arthur was first treated for folliculitis by Dr. Owen. Then he treated her for actinic keratosis, with the drug Flouoroplex, which burns off pre-cancerous cells. After performing a biopsy to confirm the actinic keratosis diagnosis, Dr. Owen discovered that her condition included discoid lupus and suggested a different treatment plan. At that point, Ms. Arthur changed doctors. Now, after two years of discovery, her scarring is negligible, although you concede that the treatment process was difficult.

If a jury does decide to compensate Ms. Arthur, you think you can keep the verdict low. You have represented Dr. Owen's insurance company a long time, and they like what you have done for them in the past. Besides, you're getting ready to retire and want to go out with a good name. You would recommend to the insurance carrier that they pay \$15,000 to settle the lawsuit.

Penelope Arthur v. Dr. Raymond Owen (Continued)

✂

Facts Known to Defendant Owen's Insurance Company, Allsfate

You came to mediation to assess the facts and damages for yourself. Plaintiff has not made any mention of the problem with the Answer filed in court by defendant's attorney in which all of plaintiff's allegations were *admitted* rather than *denied*.

Based on the plaintiff's presentation, the company would be willing to pay \$35,000 and probably more, despite defense counsel's recommendation that you only pay \$15,000. In fact, defense counsel does seem a little hot-headed about the case, and you and the doctor, along with the mediator, have to calm him down a number of times in order to keep things focused. You, as defendant's malpractice insurance carrier are not particularly pleased with this attorney's conduct during the mediation.

Penelope Arthur v. Dr. Raymond Owen (Continued)

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Facts Known to Mediator

Owen's attorney, the defense counsel, has really gotten him / herself into a bind with the Answer filed in court in which all allegations of Plaintiff were *admitted* instead of *denied*.

After going between the parties for several private caucuses, plaintiff wants you to do some risk assessment with defendant using the Answer as a tool. You don't know whether defendant's insurance carrier, Allstate, knows of defense counsel's error or not, but you do know that it is late in the game to try to amend a faulty Answer. You also know that the trial judge who will be on the bench is not usually inclined to be lenient about things like this, and that this attorney may very well lose on the request to amend the Answer. You also recognize that this could be a very effective negotiating strategy for plaintiff in trying to get defendant to increase the settlement offer.

You start to bring it up in private caucus with defendant, but defense counsel reacts vehemently and changes the subject. You suspect the carrier may have no knowledge of the error.

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